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COUNCIL ON ENVIRONMENTAL QUALITY

■

NATIONAL OIL AND HAZARDOUS SUBSTANCES POLLUTION CONTINGENCY PLAN

Title 40—Protection of Environment

CHAPTER V—COUNCIL ON ENVIRONMENTAL QUALITY

PART 1510—NATIONAL OIL AND HAZARDOUS SUBSTANCES POLLUTION CONTINGENCY PLAN

Pursuant to section 311(c)(2) of Pub. L. 92–500 and section 4 of Executive Order 11735, the Council on Environmental Quality on August 13, 1973, invited comments and suggestions regarding a revised of the National Oil and Hazardous Substances Pollution Contingency Plan (38 FR 21888). The Plan was made effective as of August 13, 1973, and was codified as Part 1510 in Chapter V of Title 40 the Code of Federal Regulations.

Comments and suggestions were received from several Federal agencies, Texaco, Inc., General Electric Company, the Salt River Project, the Tennessee Valley Authority, and the American Petroleum Institute. These comments and suggestions were considered by the National Response Team (NRT) in preparing recommended changes to the Plan, and by the Council in approving the NRT's recommendations. Copies of a memorandum setting forth the reasons for decisions on the more important suggestions will be mailed to the parties named above. Additional copies will be available from the Public Information Officer, CEQ, 722 Jackson Place, NW, Washington, D.C. 20006.

Among the changes which have been incorporated in the Plan appearing below are the following:

(1) Annex X has been revised and expanded to provide more precise and definitive information concerning substances which may be employed to remove discharges. It should be noted that, pursuant to section 1(2) of Executive Order 11735, Annex X is the responsibility of the Administrator of the Environmental Protection Agency.

(2) The criteria for determining the size classification of discharges have been revised. It is clearly indicated that these classifications are for administrative purposes and do not imply a measure of environmental threat or damage.

(3) The definition of "discharge" has been revised to include any spilling, etc. that poses a threat to the public health or welfare as defined in section 311. In this connection, it should be noted that, pending designation of hazardous substances pursuant to section 311(b)(2) of Pub. L. 92–500, the NRT agencies will continue to act pursuant to other operating authority to remove polluting substance discharges as necessary to protect the public health or welfare. In addition, it should be emphasized that the addition of the phrase "that poses a threat to the public health or welfare" does not create discretion concerning any discharge prohibited pursuant to section 311(b)(4) of Pub. L. 92–500, since such discharges are per se harmful to the public health or welfare.

(4) The geographic scope of the Plan as indicated in § 1510.3(a) now conforms more closely to the scope indicated in section 311(c) of Pub. L. 92–500. However, the Plan remains somewhat broader in that it covers discharges into the high seas where a threat to U.S. waters, shoreface, or shelf-bottom exists. Necessary response actions in such cases will be carried out pursuant to other agency operating authority, see § 1510.21(c).

The following Plan supersedes the August 13, 1973, version; and is hereby codified as indicated. Copies will be available shortly and may be requested from: Oil and Special Materials Control Division (WH 448), Environmental Protection Agency, 401 M Street, SW, Washington, D.C. 20460.

GARY L. WIDMAN,
General Counsel.

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AUTHORITY: Sec. 311(c)(2), Public Law 92–500, 86 Stat. 865, 33 U.S.C. 1251, et seq.

Subpart A—Introduction

§ 1510.1 Authority.

This National Oil and Hazardous Substances Pollution Contingency Plan [1] has been developed in compliance with the Federal Water Pollution Control Act, as amended, (33 U.S.C. 1251, et seq.). The President delegated authority and responsibility to the Council on Environmental Quality to carry out subsection (c)(2) of section 311 of the Act, providing for the preparation, publication, revision and amendment of a National Contingency Plan for the removal of oil and hazardous substances.

§ 1510.2 Purpose of objectives.

(a) This Plan, including the Annexes, provides for a pattern of coordinated and integrated response by Departments and Agencies of the Federal Government to protect the environment from the damaging effects of pollution discharges. It promotes the coordination and direction of Federal and State response systems and encourages the development of local government and private capabilities to handle such discharges.

(b) The objectives of this Plan are to provide for efficient, coordinated and effective action to minimize damage from oil and hazardous substance discharges, including containment, dispersal and removal. The Plan, including the Annexes and regional plans, provides for: (1) Assignment of duties and responsibility among Federal departments and agencies in coordination with State and local agencies; (2) identification, procurement, maintenance, and storage of equipment and supplies; (3) establishment or designation of a strike force to provide necessary services to carry out the Plan and establishment, at major ports, of trained and equipped emergency task forces; (4) a system of surveillance and reporting designed to insure the earliest possible notice of discharges of oil and hazardous substances to appropriate Federal agency; (5) establishment of a national center to provide coordination and direction for operations in carrying out the Plan; (6) procedures and techniques to be employed in identifying, containing, dispersing, and removing oil and hazardous substances; (7) a schedule, prepared in cooperation with the States, identifying dispersants and other chemicals, if any, that may be used in carrying out the Plan; and (8) a system whereby the State or States effected by a discharge may be reimbursed for reasonable costs incurred in the removal of such discharge.

§ 1510.3 Scope.

(a) This Plan is effective for the navigable waters of the United States (section 502(7) of the Act) and adjoining shorelines and for the contiguous zone and the high seas where a threat to the United States waters, shoreface, or shelf-bottom exists.

(b) The provisions of this Plan are applicable to all Federal Agencies. Implementation of this Plan is compatible with and complementary to the joint U.S./Canadian Contingency Plan including the annexes pertaining to the Great Lakes, Eastern and Western

[1] This Plan supersedes the August 1973 edition.

coastal areas; International assistance plans and agreements, security regulations, and responsibilities based upon Federal statutes and Executive Orders.

§ 1510.4 Abbreviations.

(a) *Department and Agency title abbreviations.*

AEC—Atomic Energy Commission
CEQ—Council on Environmental Quality
Commerce—Department of Commerce
Corps—U.S. Army Corps of Engineers
DHEW—Department of Health, Education and Welfare
DOD—Department of Defense
DOI—Department of Interior
DOT—Department of Transportation
EPA—Environmental Protection Agency
FDAA—Federal Disaster Assistance Administration
HUD—Department of Housing and Urban Development
Justice—Department of Justice
MarAd—Maritime Administration
NOAA—National Oceanic and Atmospheric Administration
State—Department of State
USCG—U.S. Coast Guard
USGS—U.S. Geological Survey
USN—U.S. Navy

(b) *Operational title abbreviations.*

NRC—National Response Center
NRT—National Response Team
OSC—On-Scene Coordinator
RRC—Regional Response Center
RRT—Regional Response Team

§ 1510.5 Definitions (within the meaning of this Plan).

(a) Act—means the Federal Water Pollution Control Act, PL 92-500 (86 Stat. 816).

(b) Discharge—includes but is not limited to any spilling, leaking, pumping, pouring, emitting, emptying or dumping. (For the purposes of this Plan, discharges permitted pursuant to sections 301, 302, 306, 318, 402 or 404 of the Act or section 102 of PL 92-532 are not included.)

(c) On-Scene Coordinator (O.S.C.)—means the Federal official pre-designated by the EPA or the USCG to coordinate and direct Federal discharge removal efforts under Regional Contingency Plans at the scene of an oil or hazardous substance discharge.

(d) United States—means the States, the District of Columbia, the Commonwealth of Puerto Rico, the Canal Zone, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands.

(e) Coastal waters—generally are those U.S. waters navigable by deep draft vessels, the contiguous zone, the high seas and other waters subject to tidal influence.

(f) Inland waters—generally are those waters upstream from coastal waters (paragraph (e) of this section).

(g) Contiguous Zone—means the entire zone established by the United States under Article 24 of the Convention on the Territorial Sea and the Contiguous Zone. This is the zone contiguous to the territorial sea which extends 12 miles seaward from the baseline from which the territorial sea is measured.

(h) Public health or welfare—includes consideration of all factors affecting the health and welfare of man, including but not limited to human health, the natural environment, fish, shellfish, wildlife, and public and private property, shorelines and beaches.

(i) Major Disaster—means any hurricane, tornado, storm, flood, high water, wind-driven water, tidal wave, earthquake, drought, fire, or other catastrophe in any part of the United States which, in the determination of the President, is or threatens to become of sufficient severity and magnitude to warrant disaster assistance by the Federal Government to supplement the efforts and available resources of States and local governments and relief organizations in alleviating the damage, loss, hardship or suffering caused thereby.

(j) Oil—means oil of any kind or in any form, including but not limited to, petroleum, fuel oil, sludge, oil refuse and oil mixed with wastes other than dredged spoil.

(k) Hazardous substance—means any substance designated pursuant to subsection (b)(2) of section 311 of the Act.

(l) Size Classes of Discharges—The following classifications are provided for the guidance of the OSC and serve as the criteria for actions as delineated in § 1510.53. They are not meant to imply or connote associated degrees of hazard to the public health or welfare, or a measure of environmental damage. A discharge that poses a substantial threat to the public health or welfare, or results in critical public concern shall be classed as a major discharge notwithstanding the following quantitative measures.

(1) Minor discharge is a discharge to the inland waters of less than 1000 gallons of oil; or, to the coastal waters, a discharge of less than 10,000 gallons of oil.

(2) Medium discharge is a discharge of 1,000 to 10,000 of oil to the inland waters, or 10,000 to 100,000 gallons of oil to the coastal waters, or a discharge of a hazardous substance in a harmful quantity as defined by regulations.

(3) Major discharge is a discharge of more than 10,000 gallons of oil to the inland waters or more than 100,000 gallons of oil to the coastal waters, or a discharge of a hazardous substance that poses a substantial threat to the public health or welfare.

(m) Potential discharge—is any accident or other circumstance which threatens to result in the discharge of oil or hazardous substance. A potential discharge shall be classified by its severity based on the guidelines above.

(n) Primary Agencies—are those Departments or Agencies comprising the NRT and designated to have primary responsibility and resources to promote effective operation of this Plan. These agencies are: Commerce, DOD, DOI, DOT, and EPA.

(o) Advisory Agencies—are those Departments or Agencies which can make major contributions during response activities for certain types of discharges. These Agencies are: AEC, DHEW, Justice, OEP and State.

(p) Remove or Removal—is the removal of oil or hazardous substance from the water and shorelines or the taking of such other actions as may be necessary to minimize or mitigate damage to the public health or welfare. For purposes of this Plan, removal refers to Phase III and IV response operations.

Subpart B—Policy and Responsibility

§ 1510.21 Federal policy.

(a) The Congress has declared that it is the policy of the United States that there should be no discharge of oil or hazardous substance into or upon the navigable waters of the United States, adjoining shorelines, or into or upon the waters of the contiguous zone (section 311(b)(1) of the Act).

(b) The primary thrust of this Plan is to provide a coordinated Federal response capability at the scene of an unplanned or sudden, and usually accidental, discharge of oil or hazardous substance that poses a threat to the public health or welfare. Initial actions taken by the Federal OSC, designated pursuant to § 1510.36 of this Plan and the appropriate regional continguency plan, shall be to determine in accordance with section 311(c)(1) of the Act, if the actions taken by the person responsible for the discharge of oil or hazardous substance are proper to remove the discharge. The OSC should, if practicable, insure that the person responsible for the discharge is aware of his responsibility and is encouraged to undertake necessary countermeasures. In the event that the person responsible for the discharge does not act promptly, does not take or propose to take proper and appropriate actions to remove the discharged pollutants, or if the person responsible for the discharge is unknown, further Federal response actions shall be instituted as required in accordance with this Plan. When the person responsible for the discharge is taking proper action, the OSC shall observe and monitor progress, and provide advice, counsel, and logistical support as may be necessary.

(c) Removal actions taken pursuant to section 311(c)(1) of the act are limited to the navigable waters of the United States, adjoining shorelines and the waters of the contiguous zone. Removal actions within the Contiguous zone are limited and do not include those covered by the Outer Continental Shelf Lands Act. When a discharge or potential discharge that poses a threat to the waters of the U.S. occurs outside the jurisdiction under section 311(c) of the Act, the procedures of this plan apply to the extent practicable and removal action will be accomplished pursuant to other Agency authorities. Removal actions for non-vessel discharges on the outer continental shelf, shall be in accordance with the August 1971 DOI/DOT Memorandum of Understanding.

(d) In accordance with section 311(d), whenever a marine disaster in or upon the navigable waters of the United States has created a substantial threat of pollution hazard to the public health or

welfare, because of a discharge, or an imminent discharge, of large quantities of oil, or of a hazardous substance from a vessel, the United States may: (1) Coordinate and direct all public and private efforts directed at the removal or elimination of such threat; and (2) summarily remove and, if necessary, destroy such vessel by whatever means are available without regard to any provisions of law governing the employment of personnel or the expenditure of appropriated funds. This authority has been delegated to the Administrator of EPA and the Secretary of the Department in which the Coast Guard is operating, respectively, in and for the waters for which each has responsibility to furnish or provide the OSC under this Plan.

(e) In addition to any other actions taken by a State or local government, when the Administrator of EPA or the Secretary of the Department in which the Coast Guard is operating determines there is an imminent and substantial threat to the public health and welfare because of an actual or threatened discharge of oil or hazardous substance into or upon the waters of the United States from any onshore or offshore facility, he may require, through the Attorney General, that the U.S. Attorney of the district in which the threat occurs secure such relief as may be necessary to abate such threat. This authority could be exercised on request of the NRT.

(f) The Federal agencies possessing facilities or other resources which may be useful in a Federal response situation will make such facilities or resources available for use in accordance with this Plan, as supplemented by the regional plans, and as consistent with operational requirements, within the limits of existing statutory authority, and within the spirit of the President's intention to minimize discharges and their effects when they do occur.

(g) Environmental pollution control techniques shall be employed in accordance with applicable regulations and guidelines, and regional contingency plans. In any circumstances not covered by regulations or regional contingency plans, the use of chemicals shall be in accordance with Annex X and must have the concurrence of the EPA representative or alternate representative on the RRT; or in his absence the concurrence of the appropriate EPA Regional Administrator.

(h) Response operations carried out to remove discharges originating from Outer Continent Shelf Lands Act operations shall be in accordance with the August 1971 Memorandum of Understanding between DOI and DOT concerning respective responsibilities under this Plan.

§ 1510.22 Federal responsibility.

(a) Each of the Primary and Advisory Federal Agencies has responsibilities established by statute, Executive Order or Presidential Directive which may bear on the Federal response to a pollution discharge. This Plan intends to promote the expeditious and harmonious discharge of these responsibilities through the recognition of authority for action by those Agencies having the most appropriate capability to act in each specific situation. Responsibilities and authorities of these several agencies relevant to the control of pollution discharges are detailed in Annex VII to this part. In the development of the regional plans, provision shall be made to assure recognition of the statutory responsibilities of all involved Agencies.

(b) The Council on Environmental Quality is responsible for the preparation, publication, revision and amendment of this National Contingency Plan. The Council will receive the advice of the NRT on necessary changes to the Plan and shall insure that any disagreements arising among members of the NRT are expeditiously settled.

(c) The Department of Commerce, through NOAA, provides support to the NRT, RRT and OSC with respect to: Marine environmental data; living marine resources; current and predicted meteorological, hydrologic and oceanographic conditions for the high seas, coastal and inland waters; and maps and charts, including tides and currents for coastal and territorial waters and the Great Lakes. When requested by NRT, MARAD will provide advice on the design, construction and operation of merchant ships.

(d) The Department of Defense, consistent with its operational requirements, may provide assistance in critical pollution discharges and in the maintenance of navigation channels, salvage, and removal of navigation obstructions.

(e) The Department of Health, Education, and Welfare is responsible for providing expert advice and assistance relative to those discharges or potential discharges that constitute or may constitute a threat to public health and safety.

(f) The Department of Housing and Urban Development, through FDAA, maintains an awareness of pollution emergencies and evaluates any request for a major disaster declaration received from a Governor of a State pursuant to Pub. L. 93–288. If the President declares that a pollution emergency constitutes a major disaster or that a major disaster is imminent as defined by Pub. L. 93–288, the Administrator, FDAA, will coordinate and direct the Federal response.

(g) The Department of Interior, through the USGS, supplies expertise in the fields of oil drilling, producing, handling, and pipeline transportation. Also, the USGS has access to and supervision over continuously manned facilities which can be used for command, control and surveillance of discharges occurring from operations conducted under the Outer Continental Shelf Lands Act. Additionally, the Department of Interior will provide, through its Regional Coordinators, techincal expertise to the OSC ritory.
and RRT with respect to land, fish and wildlife, and other resources for which it is responsible. DOI is also responsible for American Samoa and the Trust Ter-

(h) The Department of Justice can supply expert legal advice to deal with complicated judicial questions arising from discharges and Federal agency responses.

(i) The Department of Transportation provides expertise regarding all modes of transporting oil and hazardous substances. Through the USCG, DOT supplies support and expertise in the domestic/international fields of port safety and security, marine law enforcement, navigation, and construction; manning, operation, and safety of vessels and marine facilities. Additionally, the Coast Guard maintains continuously manned facilities that are capable of command, control, and surveillance for oil discharges occurring on the waters of the United States or the high seas. The USCG is responsible for chairing the RRT and for implementing, developing and revising, as necessary, the regional plans for those areas where it is assigned the responsibility to furnish or provide for OSC's (§ 1510.36(b)).

(j) The Department of State will provide leadership in developing joint international contingency plans. It will also provide assistance in coordination when a pollution discharge transects international boundaries or involves foreign flag vessels.

(k) The Atomic Energy Commission is the designated Agency for administration, implementation and coordination of the Interagency Radiological Assistance Plan (IRAP). AEC will provide advice and assistance to the NRT with respect to the identification of the source and extent of radioactive contamination, and removal and disposal of radioactive discharges.

(l) The Environmental Protection Agency, through the Office of Water and Hazardous Materials, provides expertise regarding environmental effects of pollution discharges and environmental pollution control techniques, including assessment of damages. EPA shall also advise the RRT and OSC of the degree of hazard a particular discharge poses to the public health and safety. EPA is responsible for chairing the RRT and for development, revision and implementation, as necessary, of regional plans for those areas in which it has responsibility to furnish or provide for the OSC (§ 1310.36(b)). EPA will provide guidance to and coordinate with DOT regarding pollution control and protection of the environment in the preparation of regional plans.

(m) All Federal agencies are responsible for minimizing the occurrence of discharges and for developing the capability to respond promptly in cases of discharges from facilities they operate or supervise, and for making resources available for Federal pollution response operations.

(n) In addition to paragraph (m) of this section, Primary Agencies are responsible for:

(1) Leading all Federal agencies in programs to minimize the number of and environmental damage associated with discharges from facilities they operate or supervise;

(2) Providing representation to the NRT and the RRT's;

(3) Developing, within their operating elements, the capability for a rapid, coordinated response to any pollution discharge;

(4) Making information available to the NRT, RRT or OSC as necessary; and

(5) Keeping NRT and the RRT's informed, consistent with national security considerations, of changes in the availability of resources that would affect the operation of this Plan.

§ 1510.23 Non-Federal responsibility.

(a) The States are invited to provide liaison to RRT's and shall designate the appropriate element of the State government that would undertake direction of State supervised discharge removal operations. The designated agency shall be the single State governmental element that will seek reimbursement for removal operation expenditures in accordance with section 311(c)(2)(H) of the act. Details on reimbursement to States for removal actions taken pursuant to this Plan are contained in 33 CFR, Part 153 and Annex IX—Funding.

(b) Industry groups, the academic community, and others are encouraged to commit resources for removal operations. Their specific commitments are outlined by the regional plans. Of particular relevance is the organization of a standby scientific response capability.

Subpart C—Planning and Response Organization

§ 1510.31 Emergency response activities and coordination.

(a) For pollution emergency response activities, Federal on-scene coordination is accomplished through the OSC. He reports to and receives advice from an RRT composed of appropriate representatives from the Regional and District offices of the Primary and Advisory Agencies.

(b) National level coordination is accomplished through the NRT which receives reports from and renders advice to the RRT. Activities are coordinated through the National and various regional response centers.

(c) The organizational concepts of this Plan are shown on Figure 1.

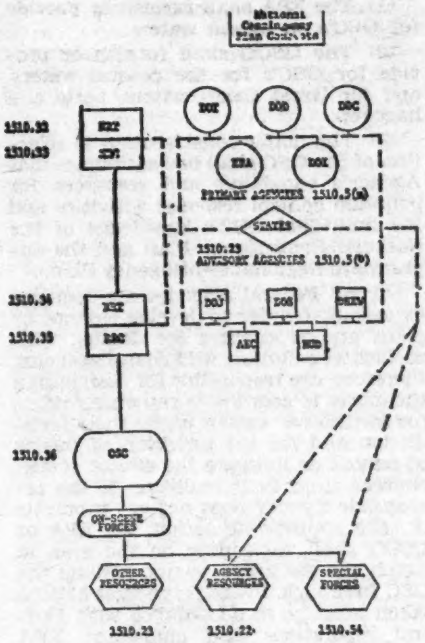


FIG. 1

§ 1510.32 National response team.

(a) The NRT consists of representatives from the Primary and Advisory Agencies. It serves as the National body for planning and preparedness actions prior to a pollution discharge and for coordination and advice during a pollution emergency. It shall be organized and shall function as outlined in Annex II to this part.

(b) The NRT shall establish and maintain a Committee on Revision of the National Plan. This Committee shall provide suggested revisions to the NRT for consideration, approval and publication by CEQ. The Primary Agencies shall provide membership on this standing committee. Advisory Agencies shall participate whenever revision or proposed amendments would affect those Agencies. Ad hoc committees may also be established from time to time to consider various matters. Membership on these committees shall consist of the representatives from the Primary Agencies and such Advisory Agencies that may have direct involvement.

(c) Based on a continuing evaluation of response actions, the NRT shall consider and make recommendations to appropriate agencies relating to training and equipping response team personnel; necessary research, development, demonstration and evaluation activities to improve response capabilities; and equipment, material stockpiling and other operational matters as the need arises. CEQ shall be advised of any agency's failure to adequately respond to these recommendations.

(d) During pollution emergencies, NRT shall act as an emergency response team comprised of representatives from the Primary and selected Advisory Agencies to be activated in accordance with section 1201.2, Annex II to this part.

§ 1510.33 National Response Center.

(a) The NRC, located at Headquarters, USCG, is the Washington, D.C. headquarters site for activities relative to pollution emergencies. NRC quarters are described in Annex III to this part, and provide communications, including a continuously manned communication center, information storage; and necessary personnel and facilities to promote the smooth and adequate functioning of this activity as described in Annex III to this part.

§ 1510.34 Regional Response Team.

(a) The RRT consists of regional representatives of the Primary and selected Advisory Agencies, as appropriate. RRT shall act within its region as an emergency response team performing response functions similar to those described for NRT. RRT will also perform review and advisory functions relative to the regional plan similar to those prescribed for NRT at the National level. Additionally, the RRT shall determine the duration and extent of the Federal response, and when a shift of on-scene coordination from the predesignated OSC to another OSC is indicated by the circumstances or progress of a pollution discharge.

(b) Each Primary Agency shall designate one member and a minimum of one alternate member to the RRT. Each Advisory Agency may designate a member. Agencies may also provide additional representatives as observers to meetings of the RRT. Individuals representing the participating agencies may vary depending on the subregional area in which the discharge occurred or removal actions are underway. Details of such representation are specified in each regional contingency plan.

(c) Each of the States lying within a region is invited to furnish liaison to the RRT for planning and preparedness activities. When the Team is activated for a pollution emergency, the affected State or States are invited to participate in RRT deliberations.

(d) The RRT shall be activated automatically in the event of a major or potential major discharge. The RRT shall be activated during any other pollution emergency by an oral request from any Primary Agency representative to the Chairman of the team. Such requests for team activation shall be confirmed in writing. The time of team activation, place of assembly, and means of contact shall be included in POLREPS submitted in accordance with Annex V to this part.

(e) The Chairman may require assembly of all or selected members of the team at the emergency center during a pollution response operation to provide technical support and assistance to the OSC.

(f) Deactivation of RRT shall be by agreement between the EPA and USCG team members. The time of deactivation shall be included in POLREPS submitted in accordance with Annex V to this part.

(g) Boundaries of the Standard Federal Regions as shown in Annex IV to this part shall be followed for the development of Regional Contingency Plans.

§ 1510.35 Regional Response Center.

(a) The RRC is the regional site for pollution emergency response activities. It will be accommodated in quarters described in each regional plan and will provide communications, information storage and other necessary personnel and facilities to promote the proper functioning and administration of regional pollution emergency response operations.

§ 1510.36 On-Scene Coordination.

(a) Coordination and direction of Federal pollution control efforts at the scene of a discharge or potential discharge shall be accomplished through the OSC, predesignated by regional plan to coordinate and direct such pollution control activities in each area of the region.

(1) In the event of a discharge of oil or hazardous substance, the first official on the site from an agency having responsibility under this Plan shall assume coordination of activities under the Plan until the arrival of the predesignated OSC.

(2) The OSC shall determine pertinent facts about a particular discharge, such as its potential impact on human health and welfare; the nature, amount, and location of material discharged; the probable direction and time of travel of the material; the resources and installations which may be affected and the priorities for protecting them.

(3) The OSC shall initiate and direct as required Phase II, Phase III and Phase IV operations. Advice provided by the EPA representative on the RRT on use of chemicals in Phase III and Phase IV operations in response to discharges of oil or hazardous substances shall be binding on the OSC, except as provided for by Annex X to this part.

(4) The OSC shall call upon and direct the deployment of needed resources in accordance with the regional plan to evaluate the magnitude of the discharge and to initiate and continue removal operations.

(5) The OSC shall provide necessary support activities and documentation for Phase V activities.

(6) In carrying out this Plan, the OSC will fully inform and coordinate closely with RRT to ensure the maximum effectiveness of the Federal effort in protecting the natural resources and the environment from pollution damage.

(b) EPA and the USCG shall insure that OSC's are predesignated for all areas within the region in accordance with the following criteria:

(1) The EPA shall furnish or provide for OSC's on inland waters.

(2) The USCG shall furnish or provide for OSC's for the coastal waters, and for Great Lakes waters, ports and harbors.

(3) The major consideration in selection of the OSC shall be based upon that Agency's capability and resources for pollution control response activities and the individual OSC's knowledge of the National Contingency Plan and the appropriate Regional Contingency Plan.

(c) All Federal agencies are required by executive order to develop emergency plans and procedures for dealing with accidental pollution. All Federal agencies, therefore, are responsible for designating the offices to coordinate response actions for facilities or vessels under their jurisdiction and for the provision of means to remove or mitigate the effects of discharges from their facilities. If the responsible Agency does not act promptly or take appropriate action, the EPA or USCG shall, depending on the area in which the discharge occurs, assume the OSC functions. Pollution control actions taken must be in accordance with Federal regulations and guidelines, EPA policies and this Plan.

Subpart D—Operational—Response Phases

§ 1510.40 Phase groupings.

The actions taken to respond to a pollution discharge can be separated into five relatively distinct classes or phases. For descriptive purposes, these are: Phase I—Discovery and Notification; Phase II—Evaluation and Initiation of Action; Phase III—Containment and Countermeasures; Phase IV—Removal, Mitigation and Disposal; and Phase V—Documentation and Cost Recovery. It must be recognized that elements of any one phase may take place concurrently with one or more other phases.

§ 1510.41 Phase I—Discovery and notification.

(a) A discharge may be discovered through: (1) A report submitted by a discharger in accordance with statutory requirements; (2) through deliberate search by vessel patrols and aircraft; and (3) through random or incidental observations by government agencies or the general public.

(b) In the event of a deliberate discovery, the discharge will be reported directly to the RRC. Reports of random discovery may be provided by fishing or pleasure boats, police department, telephone operators, port authorities, news media, or others. Reports generated by random discovery should be submitted to the nearest USCG or EPA office. Regional plans shall provide for such reports to be channeled to the RRC as promptly as possible to facilitate effective response action. Reports of major and medium discharges received by either EPA or USCG shall be expeditiously relayed by telephone to the other agency. Reports of minor discharges shall be exchanged between EPA and USCG as agreed to by the two agencies.

(c) The Agency furnishing the OSC for a particular area is assigned responsibility for implementing Phase I activities in that area.

§ 1510.42 Phase II—Evaluation and initiation of action.

(a) The OSC shall insure that a report of a discharge is immediately investigated. Based on all available information, the OSC shall: (1) Evaluate the magnitude and severity of the discharge; (2) determine the feasibility of removal; and (3) assess the effectivenes of removal actions.

(b) The OSC shall, when appropriate and as soon as possible after receipt of a report, advise the RRC of the need to initiate further governmental response actions. This may be limited to activation of the RRT or a request for additional resources to conduct further surveillance or initiation of Phase III or Phase IV removal operations.

(c) The OSC shall insure that adequate surveillance is maintained to determine that removal actions are being properly carried out. If removal is not being done properly, the OSC shall so advise the responsible party. If, after the responsible party has been advised and does not initiate proper removal action, the OSC shall, pursuant to section 311(c)(1) of the act, take necessary action to remove the pollutant.

(d) If the discharger is unknown or otherwise unavailable, the OSC shall proceed with removal actions pursuant to section 311(c)(1) of the act.

§ 1510.43 Phase III—Containment and countermeasures.

(a) These are defensive actions to be initiated as soon as possible after discovery and notification of a discharge. These actions may include public health and welfare protection activities, source control procedures, salvage operations, placement of physical barriers to halt or slow the spread of a pollutant, emplacement or activation of booms or barriers to protect specific installations or areas, control of the water discharge from upstream impoundments and the employment of chemicals and other materials to restrain the pollutant and its effects on water related resources.

§ 1510.44 Phase IV—Cleanup, mitigation and disposal.

(a) This includes actions taken to recover the pollutant from the water and affected public and private shoreline areas, and monitoring activities to determine the scope and effectiveness of removal actions. Actions that could be taken include the use of sorbers, skimmers and other collection devices for floating pollutants, the use of vacuum dredges or other devices for sunken pollutants; the use of reaeration or other methods to minimize or mitigate damage resulting from dissolved, suspended or emulsified pollutants; or special treatment techniques to protect public water supplies or wildlife resources from continuing damage.

(b) Pollutants and contaminated materials that are recovered in cleanup operations shall be disposed of in accordance with procedures agreed to at the State or local level.

§ 1510.45 Phase V—Documentation and cost recovery.

(a) This includes a variety of activities, depending on the location of and circumstances surrounding a particular discharge. Recovery of Federal removal costs and recovery for damage done to Federal, State or local government property is included; however, third party damages are not dealt with in this Plan. The collection of scientific and technical information of value to the scientific community as a basis for research and development activities and for the enhancement of understanding of the environment may also be considered in this phase. It must be recognized that the collection of samples and necessary data must be performed at the proper times during the case to fix liability and for other purposes.

§ 1510.46 Special considerations.

(a) *Safety of personnel.* Actual or potential polluting discharges that could have an imminent and substantial effect on both air and water media can pose serious hazards to personnel health and safety. The OSC should be aware of this potential and should exercise caution in allowing civilian or government personnel into the affected area without first verifying the nature of the substance discharged. Regional plans shall identify the sources of information on the hazards, precautions, and personnel protective requirements that will be expected in carrying out response operations. The means for OSC to secure such information also shall be included.

(b) *Waterfowl conservation.* Oil discharges, particularly in estuarine and near shore areas, often cause severe stress to resident and migratory bird species. The DOI representatives and the State liaison to the RRT shall arrange for and coordinate actions of professional and voluteer groups that wish to establish bird collection, cleaning and recovery centers. Regional contingency plans shall, to the extent practicable, identify organizations or institutions that can and are willing to establish and operate such facilities. These activities will normally be considered Phase IV response actions (§ 1510.44 of this subpart).

Subpart E—Coordinating Instructions

§ 1510.51 Delegation of Authority.

(a) When required, delegation of authority or concurrence in proposed or continuing pollution control activities initially may be oral; however, written confirmation by the EPA representative on RRT should be completed as soon as possible.

§ 1510.52 Multi-regional actions.

(a) In the event that a discharge or a potential pollution emergency moves from the area covered by one contingency plan into another area, the authority to initiate pollution control actions shall shift as appropriate. In the event that a polluting discharge or potential pollution emergency affects areas covered by two or more regional plans, the response mechanism called for by both plans shall be activated; however, pollution control actions shall be fully coordinated as detailed in the regional plans.

(b) There shall be only one On-Scene Coordinator at any time during the course of a response operation. Should a discharge affect two or more areas, the RRT will designate the OSC, giving prime consideration to the area vulnerable to the greatest damage. NRT shall designate the OSC if members of one RRT or of two adjacent RRT's, if appropriate, are unable to agree on the designation.

§ 1510.53 General pattern of response actions.

(a) When the predesignated Federal On-Scene Coordinator receives a report of a discharge, or potential discharge, the report should be evaluated. In most situations, the sequence of actions shown below should be followed:

(1) Investigate the report to determine pertinent information such as the threat posed to public health or welfare, the type and quantity of material discharged, and the source of the discharge.

(2) Effect notification in accordance with Annex V to this part and the applicable regional plan.

(3) Determine, in accordance with section 311(c)(1) of the act, whether removal actions are being carried out properly. Removal is considered as being done properly when the following criteria are met:

(i) Private cleanup efforts are effective in terms of the statutory definition of removal, that is, they are fully sufficient to minimize or mitigate damage to the public health or welfare. Private removal efforts shall be deemed "improper" to the extent that Federal efforts are necessary to prevent continued or further damage.

(ii) Private removal efforts must be in accordance with applicable regulations and guidelines, and Annex X to this part and other provisions or restrictions of this Plan.

(4) Designate the severity of the situation and determine the future course of action to be followed.

(5) Determine whether State action to effect removal is necessary.

(b) The result of the report probably can be categorized by one of five classes. Appropriate action to be taken in each specific type case is outlined below:

(1) If the investigation shows that the initial information overstated the magnitude or danger of the discharge and there is no environmental pollution involved, it shall be considered a false alarm and the case should be closed.

(2) If the investigation shows a minor discharge with the discharger taking appropriate removal action, contact should be established with the discharger. The removal action should be monitored to insure continued proper action by the owner or operator of the vessel, onshore facility or offshore facility from which the discharge occurred.

(3) If the investigation shows a minor discharge with improper removal action being taken, the following measures shall be taken:

(i) An immediate effort should be made to prevent further discharges from the source.

(ii) The discharger shall be advised of the proper action to be taken.

(iii) If the discharger does not follow this advice, warning of the discharger's liability for the cost of removal, pursuant to section 311(f), shall be given. (See paragraph (a)(3) of this section).

(iv) The OSC should notify appropriate State and local officials. He shall keep the RRC advised and initiate Phase III and IV operations as conditions warrant.

(v) Information shall be collected for possible recovery of removal costs when removal is effected in accordance with section 311(c)(1) of the Act.

(4) When a report of investigation indicates that a medium discharge has occurred, or the potential for a medium discharge exists, the OSC shall follow the same general procedures as for a minor discharge. Additionally, the OSC shall make a recommendation concerning team activation to the Chairman of the RRT.

(5) When a report indicates that a major discharge has occurred, a potential major pollution emergency exists, or that a discharge or potential discharge which could arouse wide public concern has occurred, the OSC shall follow the same procedures as for minor and medium discharges. RRC and NRT shall, however, be notified immediately of the situation even if the initial report has not been confirmed.

§ 1510.54 Special forces.

(a) The National Strike Force (NSF) shall be established consisting of personnel trained, prepared, and available to provide necessary services to carry out this Plan. This NSF shall be formed around the Strike Teams established by the U.S. Coast Guard on the East, West, and Gulf coasts, and including the Environmental Response Team (ERT) established by the EPA, when required. The NSF shall provide assistance to the OSC during Phase III, IV, and V operations as the circumstances of the situation dictate. When possible, the NSF will provide training to the Emergency Task Forces and participate with the Regional Response Team in Regional Contingency Plan development.

(1) The Strike Teams established by the U.S. Coast Guard are able to provide communications support, advice and assistance for oil and hazardous substances removal. These teams include expertise in ship salvage, diving, and removal techniques and methodology.

(2) The Environmental Response Team established by EPA to carry out the Agency's disaster and emergency responsibilities can provide the OSC and NSF with advice on the environmental

effects of oil and hazardous substances discharges, and removal and mitigation of the effects of such discharges. This team includes expertise in biology, chemistry, engineering and, when necessary, meteorology and oceanography.

(3) The Emergency Task Forces established pursuant to section 311(c)(2)(C) shall consist of trained personnel with adequate supplies of oil and hazardous pollution control equipment and materials and detailed discharge removal plans for their areas of responsibility. The Emergency Task Forces shall be established by the Agency responsible for providing the OSC not later than one year from the effective date of this Plan.

(4) The NSF and ERT will generally respond to requests for assistance from the OSC. Requests for the NSF may be made directly to the Commanding Officer of the appropriate Strike Team, the Coast Guard member on the RRT, the appropriate Area Commander, USCG, or to the Commandant, USCG, through the NRC. Requests for the EPA–ERT may be made to the EPA Emergency Coordinator or the appropriate Regional Emergency Coordinator (REC), or the EPA representative on the RRT.

ANNEX I—1100 DISTRIBUTION

1101 Plan distribution.

1101.1 This Plan will be distributed to designated offices of Primary and Advisory Agencies, State and interstate water pollution control agencies and such other Federal, State, local and private agencies and organizations which are cooperating with and participating in activities in support of the Plan.

1101.2 Included in this formal distribution are the following:

Department of Commerce
Department of Defense
Department of Health, Education and Welfare
Department of the Interior
Department of Housing and Urban Development
Department of Justice
Department of State
Department of Transportation
Atomic Energy Commission
All State water pollution control agencies
All interstate water pollution control agencies
Other Federal, State, local and private agencies and organizations, as appropriate.

1101.3 Formal distribution of the Plan and amendments will be made by the Environmental Protection Agency.

1102 Amendment, distribution and format.

1102.1 Amendments to the Plan and annexes will be made by sequentially numbered changes. Numbered changes will be effected by means of a transmittal sheet which identifies the Plan, the change number and date, the page numbers affected by the change and any other instructions deemed necessary for purposes of clarity or to make special emphasis or explanation of the change. There will be attached to the transmittal sheet the revised or added pages with the change number and current date on each page at the upper right hand corner.

1102.2 Where a change can be effected merely by pen and ink, the transmittal sheet may be used to accomplish the change without submission of revised pages. The use of pen and ink changes is limited to those cases where existing matter is being deleted or is of minor extent.

1102.3 Asterisks will be used to indicate changes. For line changes, an asterisk will be placed before and after each sentence changed in the left and right page margins. For paragraph changes, an asterisk will be placed before and after each paragraph changed and if continued on the next page, an asterisk will be placed at the top of the page and the end of the paragraph. For a paragraph deletion, an asterisk will be placed in the left margin and the paragraph number or letter will be retained in the original sequence followed by the word "Rescinded" in parentheses.

1102.4 If the Plan is completely rewritten, asterisks will not be used but supercession will be indicated at the bottom of the first page.

ANNEX II—1200 NATIONAL RESPONSE TEAM

1201 National Response Team.

1201.1 The NRT consists of representatives from the Primary and Advisory Agencies. It serves as the National body for planning and preparedness actions prior to a pollution discharge and for coordination and advice during a pollution discharge.

1201.2 Membership on the NRT is established by § 1510.32(a). Each Primary and Advisory Agency shall designate a member to the team and sufficient alternates to insure representation in the event that the member is unavailable.

1202 NRT organization.

1202.1 Except for periods of activation because of a pollution incident, the representative of EPA shall be the Chairman and the representative of DOT shall be vice-chairman of NRT. The vice-chairman shall maintain records of the NRT activities along with National and regional plans for pollution response. When NRT is activated for a pollution incident, the Chairman shall be the representative of EPA or DOT, depending upon the area in which the response is taking place.

1203 NRT purpose.

1203.1 The NRT, when not activated for a pollution discharge, serves as a standing committee to recommend needed policy changes in the response organization, to revise this Plan as needed and to evaluate the preparedness of the Agencies and effectiveness of plans for coping with pollution discharges.

1203.2 The NRT shall act as an emergency response team to be activated in the event of a discharge involving oil or hazardous substances which (a) exceeds the response capability of the region in which it occurs; (b) transects regional boundaries; (c) involves significant numbers of persons or nationally significant amounts of property; or (d) when requested by any Primary Agency representative. Each representative, or an appropriate alternate, shall be notified immediately by telephone of activation of NRT.

1204 Responsibilities and functions.

1204.1 Planning and preparedness responsibilities of the NRT are to:

1204.1–1 Maintain a continuing review of regional pollution emergency response operations and equipment readiness to insure adequacy of regional and national planning, and coordination for combating discharges of oil and hazardous substances. RRT shall recommend revision of the National Contingency Plan to CEQ on the basis of observations of response operations;

1204.1–2 Review the functioning of the RRT's to insure that regional plans developed are fully coordinated among involved agencies. It shall serve as a body to which the RRT's may refer for settlement of matters which they cannot resolve;

1204.1–3 Develop procedures to promote the coordination of Federal, State and local governments and private agencies to respond to pollution incidents;

1204.1–4 Consider necessary changes in policy on the basis of continuing evaluation of regional response actions taken in combating discharges of oil and hazardous polluting substances;

1204.1–5 Provide information to the Research and Development Committee, on research requirements, the need for which is not known until discharges of unusual materials or unique circumstances occur;

1204.1–6 Maintain a continuing awareness of review and act upon reports by the Research and Development Committee;

1204.1–7 Maintain a readiness posture to respond to a nationally significant discharges of oil or other hazardous substance;

1204.1–8 Maintain a continuing surveillance of incoming reports from all RRT's and activate NRT when appropriate; and

1204.1–9 Meet quarterly on the first Thursday of March, June, September and December to review pollution emergency response actions of the preceding period, receive reports of the Committee on Revision and consider amendments to the Plan.

1204.2 When activated during a pollution discharge response, Agency representatives shall meet at the call of the Chairman and shall:

1204.2–1 Monitor and evaluate reports generated by the OSC insuring their completeness. Based on this evaluation, NRT may recommend courses of action in combating the discharge through RRT for consideration by the OSC.

1204.2–2 Request other Federal, State, local government or private agencies to consider taking action under their existing authorities to provide resources necessary for combating a discharge or deployment of personnel to moniter response operations.

1204.2–3 Coordinate the actions of regions or districts other than those affected by the pollution emergency to supply needed equipment, personnel, or technical advice to the RRT and OSC. This includes requests, when appropriate, for activating the Special Forces provided by § 1510.54 of the Plan.

1204.2–4 Act as the focal point for national public information releases and for information transfer between the OSC and the Washington, D.C. headquarters of the Agencies concerned, so as to minimize or prevent dissemination of spurious and incomplete information. Public information actions are discussed in Annex VI of this part.

ANNEX III—1300 NATIONAL RESPONSE CENTER

1301 National Response Center location.

1301.1 The National Response Center (NRC) for control of pollution by oil and hazardous substances is established at the Headquarters, United States Coast Guard, Washington, D.C.

1302 NRC purpose.

1302.1 The purpose of the NRC is to provide physical facilities for coordination and control of a pollution emergency should national level involvement be required.

1303 Responsibility for NRC.

1303.1 The Commandant, U.S. Coast Guard, shall provide the necessary communications and plotting facilities and equipment. These will include:

1303.1–1 A continuously manned communication center for receiving reports of discharges;

1303.1–2 Telephone branch lines;

1303.1–3 Teletypewriter circuits;

1303.1–4 The latest updated charts of the Department of Commerce, Interior and Defense for the U.S. waters, the Continental

Shelf and the ocean areas adjacent to U.S. territorial waters;

1303.1–5 Technical library on oil and hazardous substances pollution; and,

1303.1–6 Plotting and display provisions to visually depict the geographic position, movement and extent of the pollutant.

1303.2 Primary Agencies shall furnish competent technical personnel to man the NRC as requested, furnish appropriate technical manuals and materials, and such additional administrative support as required to operate the NRC effectively and efficiently.

1304 Communications services available.

1304.1 Telephone (voice) services available include:

1304.1–1 Commercial telephone available 24 hours per day, toll free (800) 424–8802;

1304.1–2 AUTOVON (Automated Voice Network)—General purpose switched voice network of Defense Communications Systems, which serves Continental U.S., Alaska, Europe, Pacific and Panama;

1304.1–3 Washington Tactical Switchboard—Pentagon terminal of the tactical telephone system, operated by USAF;

1304.1–4 FTS–GSA operated government administrative telephone system; and,

1304.1–5 SARTEL—Search and Rescue Command Coordination telephone network including leased Hotline telephone net extending from Halifax to New Orleans.

1304.2 Teletype writer services available include:

1304.2–1 AUTODIN—A defense communications worldwide high speed user data communications system operated for and managed by the DCA to provide both direct user-to-user and store and forward message switching service for DOD and other government agencies;

1304.2–2 SARLANT—Coast Guard-leased teletypewriter system extending from Massachusetts to Texas (used to control and coordinate SAR incidents and to handle other operational traffic and priority administrative communications);

1304.2–3 SARPAC—Same as (2) for the West Coast U.S.; and

1304.2–4 TELEX—Teletypewriter exchange service provided by Western Union that serves Continental U.S., industry and Government offices. TELEX also permits direct connections with international communication carriers and oversea TELEX communications.

1305.1 Information on current and predicted meteorological, hydrologic and oceanographic conditions for the high seas, coastal and inland waters is available from NOAA. If specific capabilities of other agency environmental description and prediction programs are required because of the area or unusual conditions, NOAA will arrange for the provision of such information.

ANNEX IV—1400 PRIMARY AGENCY OFFICE LOCATIONS AND BOUNDARIES

1400 *Geographical boundaries.*

Regional contingency plans shall be based upon the Standard Federal Regions. These plans are available for inspection at EPA regional offices or U.S. Coast Guard district offices as shown in 1401 and 1402. Other agencies' addresses and telephone numbers may be found in the United States Government Manual (issued annually) or in the local telephone directories of cities shown on the maps included in this Annex. EPA, HEW, and HUD regional geographical boundaries follow this delineation.

1401 Environmental Protection Agency—Office addresses, telephone numbers, and map.

1402 Department of Transportation—United States Coast Guard district offices addresses, telephone numbers and maps.

1403 Department of Commerce—map.

1404 Department of Defense—maps.

1404.1 U.S. Army Corps of Engineers.

1404.2 U.S. Army Continental Army Commands.

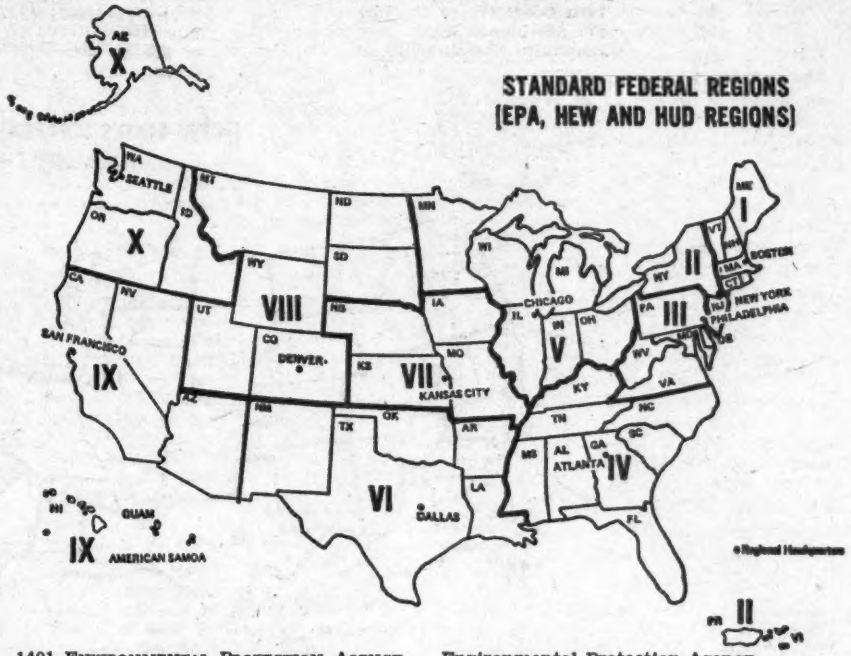
1404.3 U.S. Naval Districts.

1404.4 U.S. Air Force Reserve Regions.

1405 U.S. Department of the Interior.

1405.1 Field Committee Regions.

1405.2 U.S. Geological Survey—Area and District Offices—map.



1401 ENVIRONMENTAL PROTECTION AGENCY REGIONAL OFFICES

Environmental Protection Agency
Region I, Room 2303
John F. Kennedy Federal Building
Boston, Massachusetts 02203
Tel: (617) 223–7265

Environmental Protection Agency
Regional II, Room 908
26 Federal Plaza
New York, New York 10007
Tel: (201) 548–8730

Environmental Protection Agency
Region III
Curtis Bldg.
6th and Walnut Streets
Philadelphia, Pennsylvania 19106
Tel: (215) 597–9898

Environmental Protection Agency
Region IV
1421 Peachtree St., NE.
Atlanta, Georgia 30309
Tel: (404) 526–5062

Environmental Protection Agency
Region V
230 South Dearborn Street
Chicago, Illinois 60604
Tel: (312) 896–7591

Environmental Protection Agency
Region VI, Suite 1600
1600 Patterson St.
Dallas, Texas 75201
Tel: (214) 749–3840

Environmental Protection Agency
Region VII
1735 Baltimore Ave.
Kansas City, Missouri 64108
Tel: (816) 374–3778

Environmental Protection Agency
Region VIII, Suite 900
1860 Lincoln Street
Denver, Colorado 80203
Tel: (303) 837–3880

Environmental Protection Agency
Region IX
100 California Street
San Francisco, California 94111
Tel: (415) 556–6254

Environmental Protection Agency
Region X
1200 Sixth Avenue
Seattle, Washington 98101
Tel: (206) 442–4343

1402 DEPARTMENT OF TRANSPORTATION U.S. COAST GUARD DISTRICTS

1st Coast Guard District
150 Causeway Street
Boston, Mass. 02114
Duty Officer: (617) 223–6650

2nd Coast Guard District
Federal Building
1520 Market Street
St. Louis, Mo. 63101
Duty Officer: (314) 622–4614

3rd Coast Guard District
Governors Island
New York, N.Y. 10004
Duty Officer: (212) 264–4800

5th Coast Guard District
Federal Building
431 Crawford Street
Portsmouth, Va. 23705
Duty Officer: (703) 393–6611

7th Coast Guard District
Room 1018, Federal Bldg.
51 S.W. 1st Avenue
Miami, Fla. 33130
Duty Officer: (305) 350–5611

8th Coast Guard District
Customhouse
New Orleans, La. 70130
Duty Officer: (504) 527–6225

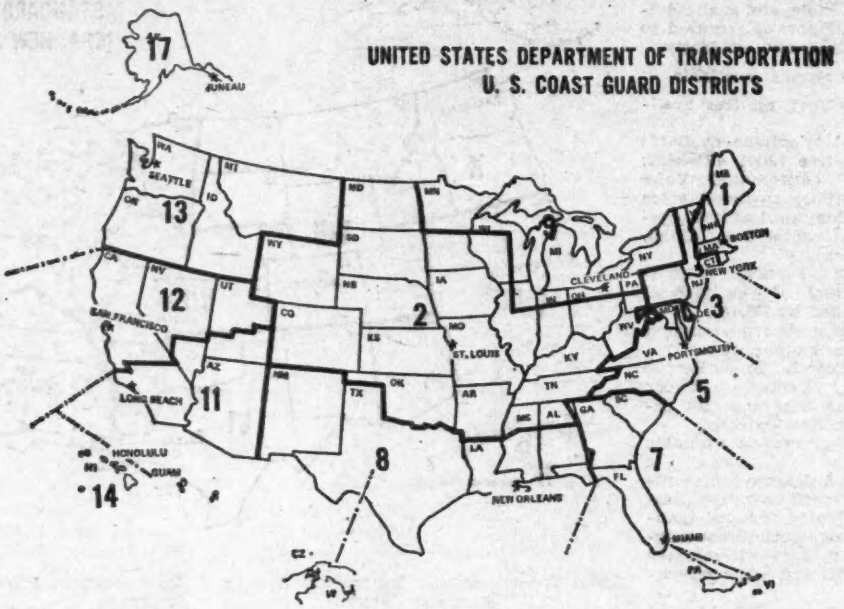
9th Coast Guard District
1240 East 9th Street
Cleveland, Ohio 44199
Duty Officer: (216) 522–3984

11th Coast Guard District
Heartwell Bldg.
19 Pine Avenue
Long Beach, Calif. 90802
Duty Officer: (213) 590–2311

12th Coast Guard District
630 Sansome Street

San Francisco, Calif. 94126
Duty Officer: (415) 556-5500
13th Coast Guard District
618 2nd Avenue
Seattle, Wash. 98104
Duty Officer: (206) 524-2902
14th Coast Guard District
677 Ala Moana Blvd.
Honolulu, Hawaii 96813

Duty Officer: (808) 546-7100
(COMMERCIAL ONLY)
AUTOVON—421-4845
17th Coast Guard District
P.O. Box 3-5000
Juneau, Alaska 99801
Duty Officer: (907) 586-7340
(COMMERCIAL ONLY)
AUTOVON—388-1121



CORPS OF ENGINEERS

UNITED STATES ARMY
CONTINENTAL ARMY AREAS

U.S. NAVAL DISTRICTS

IN-15

U.S. AIR FORCE RESERVE REGIONS

IN-15

ANNEX V—1500 COMMUNICATIONS AND REPORTS

1501 Purpose.

1501.1 The communications concerning an oil or hazardous substance discharge are an integral and significant part of the operations. The same precepts govern in these instances as do other operations in which the USCG, EPA and other operating agencies are involved.

1502 Objectives.

1502.1 The objectives of the communications and reports are:

1502.1–1 To speed the flow of information pertaining to pollution discharge;

1502.1–2 To relay advice, instructions and reports pertaining to pollution discharge; and

1502.1–3 To provide for alerting, notification, surveillance and warning of a pollution discharge.

1503 Communications procedures.

1503.1 Normal communication circuits of each Primary Agency shall be used to effectuate this Plan. The national and district or regional offices and telephone numbers of primary alerting and notification offices of interested agencies will be maintained in NRC and as appropriate in RRC.

1503.2 The initial reporting of a pollution discharge by agencies participating in this plan shall be in accordance with the information and format as described in the regional plans. Reports of medium or major discharge received from dischargers or the general public by the NRC shall be relayed by telephone to predesignated OSC, NRC shall evaluate incoming information and immediately advise OEP Disaster Programs Office of potential disaster situations.

1503.3 POLREPS (Pollution Reports) shall be submitted by RRT to NRT in a timely manner as developments occur and at 0800 and 2000 local time on each day of the operation.

1504 Pollution reports.

1504.1 Within 60 days after the conclusion of Federal removal action resulting from a major pollution discharge, the OSC shall submit a complete report of the response operation and the actions taken. Copies will be furnished to the NRT or RRT, as appropriate, together with any other pertinent information available to the forwarding group. The NRT shall then evaluate each situation and will make appropriate recommendations.

1504.2 The report required by 1504.1 above shall include:

1504.2–1 Description of the cause and initial situation;

1504.2–2 Organization of response action and resources committed;

1504.2–3 Effectiveness of response and removal actions by:

a. The discharger;

b. State and local forces;

c. Federal Agencies and Special Forces;

1504.2–4 Unique problems encountered;

1504.2–5 Recommendations on:

a. Means to prevent reoccurrence;

b. Improvement of response actions;

c. Changes in National or Regional Contingency plans to improve.

ANNEX VI—1600 PUBLIC INFORMATION

1601 Introduction.

1601.1 When a major pollution discharge occurs, it is imperative that the public be provided promptly with accurate information on the nature of the discharge and what steps are being taken to correct the problem. This policy must be followed to obtain understanding from the public, ensure cooperation for all interested parties and to check the spread of misinformation. National Administration Policy and the Freedom of Information Act both call for maximum disclosure of information.

1602 National News Office.

1602.1 When the NRT is activated, the team chairman will contact the most appropriate Primary Agency and ask it to detail a professional information officer to establish and direct a National News Office. Requests by the Director of the National News Office for an appropriate number of professional and clerical assistants will be met by one or more of the Primary Agencies.

1602.2 The Director of the National News Office will be responsible for overall supervision of public information activities. While the Director of the Regional News Office will have considerable freedom in responding to news inquiries, he will work under the direction of the Director of the National News Office. The closest possible coordination will be maintained between the National News Office in Washington and the Regional News Offices.

1602.3 Promptly after his designation, the Director of the National News Office will contact the White House Press Office and the Office of the Director of Communications for the Federal Government to arrange whatever information assistance may be required by these offices.

1602.4 All written news releases involving major policy considerations will be cleared by the Chairman of the NRT or in his absence the vice-chairman. Situation reports and other factual releases will not require formal clearance.

1602.5 The Director of the National News Office will have free access to meetings of the NRT and will be consulted on the possible public reaction to the courses of action under consideration by the NRT.

1602.6 At appropriate intervals the Director of the National News Office may arrange news conferences at which the Chairman of the NRT, the OSC or other informed officials will make progress reports and respond to questions from the media representatives.

1602.7 The Director of the National News Office will keep appropriate press offices posted on developments. These include the press offices of the Secretaries or Director of the Primary Agencies to the National Contingency Plan; Governors, Senators and Representatives whose States or Districts are affected by the incident; and, the mayor and other responsible local officials in affected communities.

1602.8 As long as public interest warrants, at least one written news release or status report per day will be issued by the National News Office and the Regional News Office reporting progress.

1602.9 The National News Office will be provided with adequate space, telephones, typewriters, communications equipment and other supplies by the U.S. Coast Guard at U.S. Coast Guard headquarters, Washington, D.C., where the NRC is housed. The Director of the National News Office will determine what equipment and supplies are needed to ensure an orderly flow of information and to accommodate visiting members of the news media.

1603 Regional News Office.

1603.1 When an RRT is activated, the Chairman will contact the most appropriate agency and ask it to detail a professional public information officer to establish and direct a Regional News Office. Any primary Agency may by request to the RRT, place its designated representative on the staff of the Regional News office to advise and assist the Director. The Regional News Office should be set up at or near the location where the OSC is stationed. Requests by the Director of the Regional News Office for appropriate professional and clerical assistance will be met by one or more of the primary agencies.

1603.2 The Director of the Regional News Office will follow the procedures outlined above for the Director of National News Office in contacting the press offices of State and local officials, in arranging appropriate public information liaison with industries and other concerned interests, and in issuing at least one daily written news release.

1603.3 All news releases involving major policy considerations will be cleared by the Chairman of the RRT.

1603.4 The Director of the Regional News Office will have free access to meetings of the RRT and should be consulted on the possible public reaction to the courses of action under consideration by the RRT.

1603.5 The Regional News Office will be provided with adequate space, telephones, typewriters, communications equipment and other supplies by the Primary Agency which is providing the RRC. The Director of the Regional News Office will determine what equipment and supplies are needed to ensure an orderly flow of information and to accommodate visiting members of the news media.

1604 Washington, D.C., public information contact.

1604.1 If the NRT has not been activated, the Director of the Regional News Office will ask the most appropriate Primary Agency to assign a public information officer in Washington, D.C., to serve as a contact point for queries made in Washington, D.C. The information officer assigned to this task will follow the procedures outlined above for the Director of the National News Office in contacting the press offices of the White House and Congressional and Federal officials.

1605 Interim Public Information Director.

1605.1 In the period following a discharge and before the need for a Federal response is determined, information activities will be directed by the public information personnel of the same Primary Agency which will provide the predesignated OSC. These activities will be conducted in accordance with the information policies of that agency.

1606 Special public information procedures for Senators, Representatives, Congressional Aides and Staff Members, White House Representatives and other VIP's.

1606.1 The Director of the National News Office or the Director of the Regional News Office will arrange, on request, to perform special public information services for VIP's including: notifying the media of the time, place and purpose of the VIP visits; making press conference arrangements; and, arranging for interviews with the VIP by interested members of the media.

1607 Special public information procedures for salesmen.

1607.1 Public information officers assigned to pollution emergencies will refer salesmen to technical personnel designated to evaluate their wares.

1608 Special public information procedures for the general public.

1608.1 In responding to queries from the general public, public information officers will advise the callers or arrange to have the callers advised on what the latest press release has reported.

1609 Special public information procedures—correspondence.

1609.1 After the crisis has subsided, a model letter reporting on the situation will be drafted by the public information personnel assigned to the problem. After the model letter has been approved by the Chairman of the NRT or the RRT, copies will be sent to the Primary Agencies for their guidance in responding to mail inquiries.

ANNEX VII

1700 LEGAL AUTHORITIES

1700.1 Federal Statutes, Regulations and Administration orders relative to oil pollution control are administered by several Departments and Agencies. The following is a tabular summation of the more important of these legal authorities.

1710 Federal Oil Pollution Control Statutes

	STATUTES	OPERATING AGENCIES INVOLVED	PROHIBITED ACT OR AUTHORIZATION	TERRITORIAL APPLICATION	SANCTIONS	EXCEPTED DISCHARGES
1711	Refuse Act 1899 (33 U.S.C.407 et seq.)	1.CORPS 2.U.S.C.G. 3.Customs 4.JUSTICE	To discharge from ship. . . (foreign & domestic) or from shore or water front facility, any refuse matter of any kind or description (upon commercially valuable petroleum).	1.U.S.navigable waters (USNW) 2.Tributaries, if refuse floats or washes into USNW. 3.On banks, if likely to be washed into USNW.	1.$500.00 - $2500.00; 30 days to 1 yr, or both 2.Vessel liable "in rem" for penalties.	"sewage" flowing from streets and sewers.
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1712	Federal Water Pollution Control Act, as amended. (33 U.S.C. 1151 et seq.)	1.EPA 2.DOT 3.CORPS 4.Customs 5.JUSTICE	Discharge, in harmful quantities, of oil or hazardous substances to the waters of the U.S. Effluent Standards, National Standards of Performance, Water Quality Standards.	U.S. waters or adjoining shorelines or the waters of the contiguous zone.	1.Failure to report prohibited discharge:(a)fine up to $10K or (b) imprisonment for up to one year. 2.Prohibited discharge of oil or hazardous substance-civil penalty, $K. 3.Violation of regulations-$K. 4.Removal liability costs: (a)vessel $14M or $100/grt; (b)onshore or offshore facility, $8M.	1.As allowed by regulations, standards or permits. 2.In the contiguous zone as permitted by the 54 Convention, as amended in 1969.
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1713	Oil Pollution Act 1961, as amended, (33 U.S.C. 1001-1015)Implements International Convention on Prevention of Pollution of Sea by Oil.	1.U.S.C.G. 2.Customs 3.CORPS 4.JUSTICE 5.State	1.Any dis. arge or escape of persistent oil from vessels bject to Act, i.e., of, U.S. excepting vessels including tankers (whose tanks carry only oil). Except:(a)Tankers under 150 gross tons; (b)Other vessels under 500 gross tons; (c)Vessels on whaling operations;	1.Prohibited zone: (a)measured from baseline from which territorial sea is established; (b)Generally extends 50 miles to sea; (c)Extends 100 miles to sea off Northeast Coast of U.S.; (d)Extends out 100 miles to sea off West Coast of Canada; and (e)Modifications published in Notices to Mariners.	1.Penalty: (a)$500.00 to $2500.00 or 1 yr. or both-any person or company; (b)Ship other than one owned & operated by U.S. liable "in rem" for above penalty, and (c)Suspension or revocation of license.	1.Discharges: (a)To secure safety of ship, cargo or life at sea; (b)Due to damage to vessel or unavoidable leakage, if all reasonable precautions taken after damage occurred

	(d)Vessels while using Great Lakes & tributaries; and, (e)Naval vessels and auxiliaries. 2.Any discharge of oil from vessel subject to Act, of 50,000 or plus gross tons, whose bldg. contract executed on or after May 18, 1967; 3.Vessels, subject to Act, which are tankers or use oil fuel must keep Oil Record Book with entries of certain discharges or escapes of oils. 4.Forward to State Dept. evidence of discharge or escape from foreign vsl.	E.Unlimited-Except if in Master's opinion special circumstances make it neither reasonable nor practicable to retain oil on board, discharge, outside prohibited zone is permitted. 3.Penalties re. Oil Record Book: (a)Person failing to comply - fine of from $500.00 to $1,000.00; (b)Person making false entry (i)fine - $500.00 to $1,000.00, (ii)imprisonment for 6 mos. or both. 4.Prohibited zone (No. 1 above).		or leakage discovered; (c)Of residue from fuel or lube oil purification or clarification as far from land as possible; (d)Oily mixtures from bilges containing only lube oil drained or leaked from machinery spaces; and (e)Vessels, other than tanker, proceeding to a port with inadequate reception facilities.

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1720 Related Federal Statutes

	STATUTES	ADMINISTRATIVE AUTHORITY	AUTHORIZED ACTION	TERRITORIAL CONSIDERATIONS
1721	U.S.Navy Ship Salvage Authority (10 U.S.C. 7361)	Secretary of Navy (U.S. Navy Ship System Command, Supervisor of Salvage)	1.To salvage, by contract or otherwise: (a)U.S. Naval vessels; (b)Private vessel (foreign or domestic) subject to availability of salvage forces; and, (i)if not abandoned nor under governmental control nor other salvage facilities reasonably available & competent private authority requests help, i.e., ship's master, owner, or underwriter. (ii)if abandoned or under control of U.S.C.G., FWPCA, Corps of Engineers, Office of Emergency Preparedness, or Federal Court - competent requesting agency becomes customer.	1.(a) for U.S. Naval vessels - Navy has direct responsibility anywhere; (b)for private vessels (i)U.S. navigable waters and high seas. (ii)U.S. navigable waters U.S. territorial waters and those within the authority of requesting government agency by law or treaty.
1722	Outer Continental Shelf Land Act of 1953 (43 U.S.C. 1331-1343)	Secretary of the Interior (a) Bur. of Land Mgmt. (b) U.S.G.S. Secretary of Transportation (a) U.S.C.G.	1.To regulate leases for exploitation of Shelf lands, terms and conditions calculated to prevent pollution in offshore oil or mining operations. Regulations provide that lessee shall not pollute; shall take certain preventive actions and if pollution occurs, lessee shall make appropriate notifications and shall be liable for cleanup.	1.U.S. Continental Shelf Lands.
1723	Disaster Relief Act of 1974 88 Stat. 143	The President Administrator, Federal Disaster Assistance Administration E.O. 11575, Dec. 31, 1970	1. To declare an emergency or a major disaster at the request of a governor of a State. 2. If declared, to direct Federal agencies to assist by: (a) Utilizing or lending, with or without compensation therefor, to States and local governments, their equipment, supplies, facilities, personnel, and other resources, other than the extension of credit under the authority of any Act; (b) Performing on public or private lands or waters any emergency work or services essential to save lives and to protect and preserve property, public health and safety, including but not limited to: search and rescue, emergency medical care, emergency mass care, emergency shelter, and provision of food, water, medicine, and other essential needs, including movement of supplies or persons; clearance of roads and construction of temporary bridges necessary to the performance of emergency tasks and essential community services; provision of temporary facilities for schools and other essential community services; demolition of unsafe structures that endanger the public; warning of further risks and hazards; public information and assistance on health and safety measures; technical advice to State and local governments on disaster management and control; reduction of immediate threats to life, property, and public health and safety; and making contributions to State or local governments for the purpose of carrying out the provisions of this paragraph.	(1) Major disaster areas (States) as declared by the President and area designated by the FDAA Administrator. (2) Emergency areas as determined by FDAA Administrator. (3) U.S., its territories and possessions.
1724	14 U.S.C. 81 et seq.	U.S.C.G.	1.To aid distressed persons & protect property. Sec. 88(b) in USNW and on the high seas. 2.To establish, maintain & operate aids to maritime navigation in USNW, waters above the U.S. continental shelf and other specified areas. 3.To mark for protection of navigation any wreck in USNW (Sec. 86) not properly marked by owner (33 U.S.C. 409)	
1725	14 U.S.C. 141(a)	U.S.C.G.	1.On request may use personnel & facilities to assist any government agency to perform any activity for which such personnel are especially qualified.	1. Limited only by international law re. Territorial waters.
1726	Magnuson Act (50 U.S.C. 191)	Designated U.S.C.G. Officers (33 CFR 6) when directed by Executive Order (presently implemented by E.O. 10173 as amended)	1.Prevent anything from being placed on board any vessel or waterfront facility as defined in 33 CFR 6.01-4, when necessary to prevent damage to U.S. waters, 2.Establish security zones into which no person or vessel may enter or take anything. 3.Control vessel movement & take full or partial possession or control of any vessel when necessary to prevent danger to U.S. waters. 4.Prevent mooring to or counsel shifting of any vessel from waterfront facility if it endangers such vessel, other vessels, harbor, any facility therein because conditions exist in or about waterfront - not limited to fire hazards	1. U.S. Territorial waters

1727	Dangerous Cargo Act (46 USC 170)	U.S.C.G.	1. Authority to establish regulations for handling, stowage, storage and use of dangerous articles or substances on board vessels. 2. Authority to establish regulations for disposing of dangerous articles or substances found to be in an unsafe condition.	U.S. Territorial Waters.
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1728	Tank Vessel Act (46 USC 391a)	U.S.C.G.	1. Authority to establish additional rules for provision against hazards of life and property created by vessels having on board inflammable or combustible liquid cargo in bulk.	U.S. Territorial Waters.
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1729	Ports & Waterways Safety Act of 1972 (PL 92-340)	U.S.C.G. SLSDC	1. Authority to operate vessel traffic services, direct vessel movement, prescribe safety equipment requirements, establish safety zones, investigate accidents that affect environmental quality of the navigable waters and regulate vessels carrying hazardous substances in bulk.	U.S. Territorial Waters (excludes waters of Panama Canal for Title I)
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1750 Treaties and International Conventions

	TITLE	PARTIES	SUBSTANCE OF AGREEMENT	TERRITORIAL APPLICATION
1751	Treaty re. Reciprocal Rights in Conveyance of Prisoners and Wrecking & Salvage (35 Stat. 2035, TS 502)	U.S. - Great Britain signed for Canada (1908)	1. Vessels & wrecking equipment of U.S. or Canada permitted to salvage wrecks, render aid to vessels in distress or disabled across the international boundary line.	1. In portion of St. Lawrence River through which boundary line passes. 2. Lakes Ontario, Erie, St. Clair, Huron, Superior. 3. Niagara, Detroit, St. Clair & Ste. Marie River. 4. Canals at Sault Ste. Marie. 5. Shores & territorial waters on Pacific & Atlantic within 30 miles of boundary line.
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1752	Boundary Waters Treaty (35 Stat. 2448, TS 548)	U.S. - Great Britain signed for Canada (1909)	1. Established International Joint Commission with jurisdiction over all cases re. use, obstruction or diversion of waters including water pollution. No mechanism for enforcement directly by Commision findings & recommendations reported to respective governments for enforcement action within its territorial limits.	1 U.S - Canadian boundary waters.
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1753	Treaty to Facilitate Assistance to & Salvage of Vessels in Territorial Waters (49 Stat. 3359, TS 905)	U.S. - Mexico (1936)	1. Vessels & rescue apparatus, public & private, may aid vessels and crew of its own nationality, when disabled or in distress. 2. Captain, master or owner of rescue vessel of either country must notify that country when entering or intending to enter territorial waters of the other country as early as possible and may freely proceed with rescue unless advised by the other country that adequate assistance is available or for any other reason rescue is not necessary.	1. On shores or within territorial waters of the other nation - (a)within 720 mile radius of intersection of international boundary line & Pacific Coast or (b)within 200 miles radius of intersection of international boundary line & coast of Gulf of Mexico.
1754	Convention of High Seas (1958) TIAS 5200) (13 U.S.T. 2312)	U.S.(1962)-Denmark, Finland, Italy, Japan, Mexico, Netherlands, U.K., USSR, inter alia.	1. Article XXIV - Member nations responsible for drafting regulations to prevent pollution of seas by oil. 2. Article XXV - same for radioactive wastes & other harmful agents by vessels under its control.	High Sea
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1755	Geneva Convention on Territorial Sea & Contiguous Zone (1958) (15 U.S.T 1606) (TIAS 5639)	U.S. (1964)-Denmark, Finland, Italy, Japan, Netherlands, U.K., USSR, inter alia.	1. To exercise necessary controls to prevent infringement of nations sanitary regulations within its territory or territorial sea.	1. Not to exceed 12 miles outward from the baseline from which the territorial sea is measured.
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1756	Convention on Continental Shelf (1958) (TIAS 5578) (15 U.S.T. 471)	U.S. (1964)-Denmark, Finland, France, Mexico, Netherlands, U.K., USSR, inter alia.	Coastal government has: exclusive & sovereign right to explore and exploit natural resources of the Shelf as long as it does not unjustifiably interfere with navigation, fishing or conservation of living sea resources nor with fundamental oceanographic or other scientific research destined for open publication.	U.S. Continental Shelf - 200 meter isobath curve contiguous to land or to a depth that admits of the exploitation of said area.
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1757	Convention for Prevention of Pollution by Sea by Oil, (1954) (12 U.S.T. 2989; (1962) amended 17 U.S.T. 1523)	U.S. (1961)-Belgium, Denmark, Finland, France, West Germany, Greece, Italy, Japan, Liberia, Mexico, Netherlands, Nigeria, Norway, Panama, Spain, Sweden, U.K., inter alia.	1. To prevent discharge or escape of oily substances by sea-going vessels - See Oil Pollution Act of 1961 as amended in 1966 for U.S. implementation. (33 U.S.C. 1001-1015) (Note: Oily substance is defined as persistent oil) 2. Maintenance of Oil Record Book.	1. Prohibited zone: All seas within 50 miles from nearest land (baseline from which territorial sea is established) and other areas as defined in the convention.

ANNEX VIII—1800 DOCUMENTATION AND COST RECOVERY

1801 Introduction.

1801.1 The OSC in charge at the scene of a discharge may be from any one of several agencies; it is necessary, therefore, to establish uniform procedures for collection of samples and information consistent with the several phases in Federal response operations. Necessary information and sample collection must be performed at the proper times during the Federal involvement in removal operations for the purpose of later use in identifying the party responsible for removal cost recovery. Time is of great importance since wind, tide and current may disperse or remove the evidence. Additionally, witnesses may no longer be available. Thus, during the response phases, the OSC must take the necessary action to ensure that information, records, and samples adequate for legal and research purposes are obtained and safeguarded for future use. Additional guidance can be found in EPA's "Field Detection and Damage Assessment Handbook".

1802 Notification of Counsel.

1802.1 Immediately upon notification that a discharge has occurred, the RRT or NRT members, as appropriate, shall notify their respective regional and departmental attorneys, as provided herein and as detailed in regional plans.

1802.2 Coordination of appropriate counsel will be effected by counsel of the Department responsible for furnishing the OSC. Coordination will be for joint and several actions concerning legal matters regarding the operation and the Plan and for advising the owner or operator that a determination has been made under subsection 311(c)(1) of the Act that removal is not being properly accomplished.

1802.3 The information and reports obtained by the OSC are to be transmitted to the RRC. Copies will then be forwarded to the NRC, members of the RRT, and others, as appropriate. The representative of the Agency on the RRT having cost recovery authority will then refer copies of the pollution reports to his respective agency counsel.

1803 Legal notice to suspected discharger.

1803.1 The owner, operator, or other appropriate responsible person shall be notified of Federal interest and potential action in a pollution discharge by the agency furnishing the OSC. This notice shall include advice of the owner or operator's liability for proper removal of the discharge in accordance with section 311(f) of the Act; the need to perform removal in accordance with existing Federal and State statutes and regulations, and this Plan; and identification of the OSC.

1804 Sample collection procedures to be followed by OSC.

1804.1 Several precautions must be observed when taking and handling liquid samples for analyses as the character of the sample may be affected by a number of common conditions. These precautions concern the following: (a) The composition of the container; (b) cleanliness of the container; and, (c) manner in which the sample is taken.

1804.2 In taking such samples, the following procedures are to be followed in all cases:

1804.2–1 Glass or other appropriate containers of suitable size shall be used. The portion of the closure (sealing gasket or cap liner) which may come into contact with the sample in the container is of considerable importance. When oil or petroleum hydrocarbons are to be sampled, the closure should be made of glass, aluminum foil, or teflon. Pollutants other than oil may require special precautions such as jacketing of glass containers or different closure material. The analysis laboratory should be consulted whenever a question arises as to the appropriateness of any packaging material.

1804.2–2 Previously unused containers are preferred. Containers that have been cleaned with a strong detergent, thoroughly rinsed and dried may be used.

1804.2–3 Some explanatory notes covering the above procedures are as follows: (a) Glass or other appropriate containers always must be used because plastic containers, with the exception of teflon, have been found in some cases to absorb organic materials from water and, in other cases, compounds have been dissolved from plastic containers; (b) as it is desirable to take a large sample of the pollutant, proper skimming techniques should be used to obtain a sufficient amount of oil for analysis; and, (c) because pollution conditions change rapidly, samples should be taken promptly, and the time sequences and locations noted.

1804.2–4 Consult with the analysis laboratory personnel relative to special samples and unusual problems.

1804.2–5 Samples collected are to be transmitted for analysis, using special courier or registered mail (return receipt requested) and observing the procedures outlined below. Appropriate analytical laboratories are designated in the regional plan. Reports of laboratory analysis will be forwarded to the appropriate RRT for transmittal to counsel.

1805 Photographic records.

1805.1 Photographs should be taken to show the source and the extent of pollution, if possible, using both color and black and white film. The following information should be recorded on the back of each photographic print: (a) Name and location of vessel or facility; (b) date and time the photo was taken; (c) names of the photographer and witnesses; (d) shutter speed and lens opening; and (e) type of film used and details of film processing. (The immediate developing type of photographic process may be of major assistance to the less-than-professional photographer by allowing on-the-spot inspection of results and "retakes" as needed to obtain an acceptable photograph.)

ANNEX IX—1900 FUNDING

1901 General.

1901.1 The primary thrust of this Plan is to encourage the person responsible for a discharge to take appropriate remedial actions promptly. Usually this will mean that the cost of removal of the discharge shall be borne by the person responsible for the discharge. The OSC and other officials associated with the handling of a pollution emergency shall make a substantial effort to have the discharger voluntarily accept this responsibility.

1901.2 If the discharger does not voluntarily act promptly to remove the discharge of oil or hazardous substances, Federal discharge removal actions may be initiated pursuant to section 311(c)(1) of the Act. The discharger, if known, is liable for the reasonable costs of such Federal removal actions in accordance with section 311(f) of the Act.

1901.3 Actions undertaken by the Primary Agencies in response to pollution emergencies shall be carried out under existing programs and authorities insofar as practicable.

1901.4 It is not envisioned that any Federal agency will make resources available, expend funds or participate in operations in connection with pollution emergency operations unless such agency can so respond in conformance with its existing authority. Authority to expend resources will be in accordance with agencies' basic statutes and, if required, through cross-servicing agreements.

1901.5 This Plan encourages interagency agreements whenever specific reimbursement agreements between Federal agencies are deemed necessary to ensure that the Federal resources will be available for a timely response to a pollution emergency.

1902 Funding responsibility.

1902.1 The funding of removal actions necessitated by a discharge from a Federally operated or supervised facility is the responsibility of the operating or supervising agency.

1902.2 Funding of response actions not associated with the removal activity, such as scientific investigations, law enforcement or public relations, is the responsibility of the agency having statutory or executive responsibility for those specific actions.

1903 Agency funding.

1903.1 The Environmental Protection Agency can provide funds to insure timely initiation of discharge removal actions in those instances where the OSC is an EPA representative. Funding of continuing Phase III and IV actions, however, shall be determined on a case-by-case basis by the Oil and Special Materials Control Division at EPA. Inasmuch as EPA does not have funds provided for this purpose by statute or regulation, initiation of Phase III and IV activities is funded out of operating program funds.

1903.2 The U.S. Coast Guard pollution control efforts are funded under "Operating Expenses." These funds are utilized in accordance with agency directives and applicable regional plans.

1903.3 The Department of Defense has two specific sources of funds which may be applicable to a pollution incident under appropriate circumstances. (This does not consider military resources which might be made available under specific conditions.)

1903.3–1 Funds required for removal of a sunken vessel or similar obstruction to navigation are available to the Corps of Engineers through Civil Functions Appropriations, Operations and Maintenance, General.

1903.3–2 The U.S. Navy has funds available on a reimbursable basis to conduct salvage operations.

1904 Disaster relief funds.

1904.1 Certain pollution control emergency response activities may qualify for reimbursement as disaster relief functions. In making a declaration of a "major disaster or emergency" for a stricken area, the President may allocate funds from his Disaster Relief Fund, administered by the Administrator, Federal Disaster Assistance Administration. After the President has declared a "major disaster or emergency" and authorized allocation of funds, the Administrator may authorize certain reimbursements to Federal agencies for assistance provided under direction of his office. Applicable policies and procedures are stated in Title 24, Chapter XIII, Part 2201, "Reimbursement of Other Federal Agencies" under Pub. L. 91-606 (For use under Pub. L. 93-288 until revised).

1904.2 The Administrator, FDAA, may also make financial assistance available to State governments and through the States to local governments in accordance with policies and procedures stated in Title 24, Chapter XIII, Part 2205, "Federal Disaster Assistance".

1905 Pollution revolving fund.

1905.1 A pollution revolving fund, administered by the Commandant, USCG, has been established pursuant to subsection (k) of section 311 of the Act. Regulations governing the administration and use of the fund are contained in 33 CFR 153.

1905.2 Pursuant to section 311(c)(2)(H) of Public Law 92-500, the State or States affected by a discharge of oil or hazardous substance may act where necessary to remove such discharge and may, pursuant to regulations which the Commandant, USCG, may prescribe, be reimbursed from the fund for the reasonable costs incurred in such removal.

1905.2-1 Removal by a State is necessary when the OSC determines that the owner or operator of the vessel, onshore facility, or offshore facility from which the discharge occurs does not effect removal properly and that:

1905.2-1.1 State action is required to minimize or mitigate significant damage to the public health or welfare which Federal action cannot minimize or mitigate, or

1905.2-1.2 Removal or partial removal can be effected by the State at a cost which is not significantly greater than the cost which would be incurred by the Federal departments or agencies.

1905.2-2 Notwithstanding the above, State removal actions are not necessary if not in compliance with Annex X of this Plan.

1905.2-3 State removal operations are considered to be Response Phase III or Response Phase IV actions to the extent that the same operations undertaken by a Federal agency would be so considered.

1905.2-4 When supervised by the State agency designated pursuant to § 1510.23(a) of this Plan, removal operations of a local government are considered to be actions of the State for purposes of this section.

1906 Obligations of funds.

1906.1 Care must be exercised to ensure that misunderstandings do not develop about reimbursement of funds expended for removal activities. The OSC should not knowingly request services for which reimbursement is mandatory unless reimbursement funds are known to be available. Similarly, the agency supplying a reimbursable service should determine the source of reimbursement before committing resources necessitating reimbursement.

1906.2 OSC shall exert adequate control of removal operations so that he can certify that reimbursement from the fund is appropriate.

1906.3 Detailed instructions on utilization of the fund are contained in USCG Comptroller Manual.

1907 Planning.

1907.1 The availability of funds and requirements for the reimbursement of expenditures by certain agencies must be included in resource utilization planning. Regional and subregional contingency plans should show what resources are available under what conditions and cost arrangements.

1907.2 Local interagency agreements may be necessary to specify when reimbursement is required.

ANNEX X—SCHEDULE OF CHEMICALS AND OTHER ADDITIVES TO REMOVE OIL AND HAZARDOUS SUBSTANCES DISCHARGES

2001 General.

2001.1 This Schedule has been prepared by the U.S. Environmental Protection Agency pursuant to section 1(2), Executive Order 11735 and applies to the waters of the United States and adjoining shorelines, and the waters of the contiguous zone.

2001.2 This Schedule applies to the use of any chemicals or other additives as hereinafter defined that may be used to remove oil and remove or neutralize hazardous substances discharges. Any chemical agent or other substance not specifically defined in this schedule will be considered by EPA on a case by case basis for use in the removal of oil and hazardous substances discharges.

2001.3 This Schedule advocates development and utilization of sorbents, skimmers, booms and other mechanical control methods to remove or mitigate oil and remove, mitigate, or neutralize hazardous substances discharges from the environment with subsequent proper disposal.

2001.4 It is the intent of this Schedule that no harmful quantities of any substances be applied to the waters to remove or mitigate the effects of oil or hazardous substances discharges.

2001.5 In implementing this schedule and in maintaining its relationship with other Federal and State agencies, EPA shall recognize that some States may have more stringent laws, regulations or written policies regulating the use of chemicals in the removal of oil and hazardous substance discharges, in which case such laws, regulations or policies shall govern.

2001.6 It has been determined that because of the overriding need for prompt initiation of discharge removal actions no formal permit, as provided for by section 402 of the Act, shall be required before application of chemicals to mitigate the effects of a discharge. The provisions of § 1510.2(g) of this Plan shall apply.

2002 Definitions. Materials applied to oil or floating hazardous substances discharges are defined as follows:

2002.1 Chemical Agents are those elements, compounds, or mixtures that disperse, dissolve, emulsify, neutralize, precipitate, reduce, solubilize, oxidize, concentrate, congeal, entrap, fix, gell, make the pollutant mass more rigid or viscous, or otherwise facilitate the mitigation of deleterious effects or removal of the pollutant from the water.

2002.2 Dispersing Agents are those chemical agents which emulsify, disperse, or solubilize oil into the water column or act to further the surface spreading of oil slicks in order to facilitate dispersal of the oil into the water column.

2002.3 Surface Collecting Agents are those chemical agents which are a surface film forming chemical for controlling oil layer thickness.

2002.4 Biological Agents are microbiological cultures, enzymes, or nutrient additives that are deliberately introduced into an oil or hazardous substance spill for the specific purpose of encouraging biodegradation to mitigate the effects of a spill.

2002.5 Burning Agents are those materials which, through physical or chemical means, improve the combustibility of the materials to which they are applied.

2002.6 Sinking Agents are those materials which are applied to oil and hazardous substance spills to sink floating pollutants below the water surface.

2002.7 Mechanical removal methods include the use of pumps, skimmers, booms, earthmoving equipment, and other mechanical devices.

2002.8 Sorbents are essentially inert and insoluble materials which are used to remove oil and hazardous substances from water through a variety of sorption mechanisms. Examples include: straw, expanded perlite, polyurethane foams, reclaimed paper fibers, peat moss.

2003 Dispersing agent program for spills of oil and applicable hazardous substances.

2003.1 Authorization for use of dispersing agents.

2003.1-10 Major and medium discharges. Dispersing agents may be used in any place, at any time, and in quantities designated by the OSC when their use will:

2003.1-1. In the judgment of the OSC, prevent or substantially reduce hazard to human life or limb or substantially reduce explosion or fire hazard to property;

2003.1-1.2 In the judgment of the EPA RRT member on a case by case basis, in consultation with appropriate State or Federal agencies, prevent or reduce substantial hazard to a major segment of the population(s) of vulnerable species of waterfowl; or,

2003.1-1.3 In the judgment of the EPA RRT member on a case by case basis, in consultation, whenever possible, with appropriate State and Federal agencies, result in the least overall environmental damage, or interference with designated water uses.

2003.1-2 Minor discharge. The provisions of section 203.1-1.1 shall apply.

2003.2 Special restrictions on dispersing agent use:

2003.2-1 Chemical agents shall not be considered for use as dispersing agents unless technical product data has been provided and accepted in accordance with 2003.3 except when in the judgment of the On-Scene Coordinator the hazards discussed in 2003.1-1.1 are so imminent that the time delay for obtaining a dispersant agent that is in compliance with 2003.3 would be excessive.

2003.2-2 Federal officials responsible for oil and hazardous substance spill response activities at all levels shall develop effective programs to insure that dispersants that are available for use in appropriate spill response actions are dispersants with adequate technical data on file with EPA. This effort will help preclude the avoidance of the EPA technical data program by manufacturers or suppliers who might wish to take advantage of the emergency conditions provisions of 2003.2-1.

2003.2-3 For all situations where dispersants are used, accurate records shall be kept on dispersant types, brands, application rates and methods, effectiveness, environmental impacts, plus any other pertinent observations.

2003.3 Technical product data for dispersing agents.

2003.3-1 Technical product data as outlined in 2003.3-4 on the physical, chemical and toxicity characteristics of a dispersing agent shall be submitted to the Division of Oil and Special Materials Control (WH-488), Environmental Protection Agency, Washington, D.C. 20460, at least 60 days prior to the use of the agent. Within 60 days of receipt of the data, EPA will inform in writing the submitter on the adequacy of the data provided. If additional information is requested or EPA desires to perform tests, the dispersing agent may not be considered for use until the additional needs have been satisfied and the submitter so notified.

2003.3-2 Information furnished in accordance with 2003.3-4 shall be maintained on file by the Environmental Protection Agency, Oil and Special Materials Control Division, Washington, D.C. 20460 to provide technical guidance to OSC's on the acceptable circumstances of use and dosage rates for dispersing agents. Any changes in the composition or formulation of the dispersing agent that will affect any of the data being requested in 2003.3-4 shall be immediately brought to the attention of EPA and testing of the agent will be repeated prior to the use of the revised dispersing agent.

2003.3-3 The acceptance and maintenance of product data by EPA does not constitute approval of the dispersing agent nor does it imply compliance with any EPA criteria or minimum standards for such agents. The OSC will determine which dispersing agent may be used for a spill event on a case by case basis using all available information in making such a decision. To avoid possible misinterpretation and misrepresentation of the EPA's role in this technical product data program, the manufacturer's representatives may use only the EPA letter

advising compliance with 2003.3–4 in any advertisements or technical literature on the dispersing agent. The EPA letter must be used in its entirety. Failure to comply with these restrictions or any other improper reference to EPA in attempting to demonstrate EPA approval of the dispersing agent for use on spills of oil or hazardous substances shall constitute grounds for removing the technical product data from EPA files which would preclude use of the dispersing agent except as noted in 2003.2–3 for imminent hazards.

2003.3–4 Required technical product data.

2003.3–4.1 Name, brand, or trademark, if any, under which the chemical agent is sold.

2003.3–4.2 Name, address and telephone number of the manufacturer, importer or vendor.

2003.3–4.3 Name, address and telephone number of primary distributors or sales outlets.

2003.3–4.4 Special handling and worker precautions for storage and field application. Maximum and minimum storage temperatures to include optimum ranges as well as temperatures that will cause phase separation, chemical changes or otherwise damage effectiveness of the chemical agent.

2003.3–4.5 Shelf life.

2003.3–4.6 Recommended application procedure(s), concentration(s) and conditions for use depending upon water salinity, water temperature and types and ages of the pollutants.

2003.3–4.7 Dispersant toxicity. Use standard toxicity test methods described in EPA Report "Standard Dispersant Effectiveness and Toxicity Test" (EPA R2–73–201, May 1973) pages 22–34. This report may be obtained from the Division of Oil and Special Materials Control (AW–448), EPA, Washington, D.C. 20460.

2003.3–4.8 Dispersant Effectiveness. Use standard effectiveness test methods in EPA R2–73–201, May 1973, pages 11–21.

2003.3–4.9 Flash Point—select appropriate method from the following:

ASTM D 56–70
ASTM D 92–72
ASTM D 93–72
ASTM D 1310–67

2003.3–4.10 Pour point. Use ASTM D 97–66.

2003.3–4.11 Viscosity. Use ASTM D 445–72.

2003.3–4.12 Specific gravity. Use ASTM D 1298–67.

2003.3–4.13 pH. Use ASTM D 1293–65.

2003.3–4.14 Ionic activity. Use Weatherburn Test as described below:

IONIC ACTIVITY TESTS (WEATHERBURN TEST)

Reagents:

1. Dye solution: 0.03 grams methylene blue, 12 grams concentrated sulfuric acid, 50 grams anhydrous sodium sulphate dissolved fh water to make a total of one liter solution.

2. Anionic surfactant solution—0.05 percent Aerosol OT (Sodium dioctyl sulfo succinate).

3. Chloroform.

Procedure:

1. Into a 25 ml. test tube, place 8 ml. of dye solution and 5 ml. chloroform. Add anionic surfactants solution drop by drop, shaking vigorously between drops and allowing phases to separate. Continue adding dropwise until the two layers are equal in color and intensity viewed in reflected light. Usually 10 to 12 drops of anionic solution are required.

2. Now add 2 ml. of 0.1 percent solution of the unknown and shake vigorously.

Results:

1. Chloroform phase (lower) is deeper in color and aqueous phase is mostly colorless—anionic is positive.

2. Water phase (upper) is deeper in color than the chloroform phase—cationic is positive.

3. Both phases are more or less the same color—probably a nonionic.

4. If the aqueous phase has become milky and hence slightly lighter in color, it may still be nonionic. Soaps do not react in this procedure. If both anionics and nonionics are present, the reaction of this test will be anionic positive.

2003.3–4.15 Miscibility. Use the test described below which is a modification of military specification MIL–C–22230 (ships):

One part of the dispersing agent is mixed with 100 parts of synthetic sea water. The solution is agitated for one hour and any visible separation of the dispersing agent should be noted after this period of agitation. The test is to be performed with water temperatures at both 20 C and 0 C. The synthetic sea water shall be formulated as follows:

Sodium chloride	150.0	grams.
Magnesium chloride, hexahydrate	66.0	grams.
Calcium chloride dihydrate	9.6	grams.
Sodium sulfate anhydrous	24.0	grams.
Distilled water to make a total of	6.0	liters.

2003.3–4.16 Dispersing agent components. Itemize by chemical name and percentage by weight of each component of the total formulation. The percentages will include maximum, minimum and average weights in order to reflect quality control variations in manufacture or formulations. At least the following major components shall be identified in complying with 2003.3–4.16.

(a) Surface active agents.
(b) Solvents.
(c) Additives.

If requested by the submitter, information from 2003.3–4.16 will be handled as trade secrets under provisions of Pub. L. 90–23, the Administrative Procedure Act.

2003.3–4.17 Heavy metals and chlorinated hydrocarbons. Using reliable analytical chemistry techniques, state the concentrations or upper limits of the following materials:

Arsenic, cadmium, chromium, copper, lead, mercury, nickel, zinc, plus any other metals that may be reasonably expected to be in the sample. Atomic absorption methods should be used and the detailed analytical methods and sample preparation shall be fully described;

Cyanide using standard colorimetric procedures;

Chlorinated hydrocarbons. Gas chromatography should be used and the detailed analytical methods and sample preparation shall be fully described.

2003.3–5 Analytical Laboratory Requirements for Technical Product Data:

2003.3–5.1 The required tests shall be performed by a qualified laboratory.

2003.3–5.2 The technical product data submission shall include the identity of the laboratory, the qualifications of the laboratory staff including professional biographical information for individuals responsible for any tests, and laboratory experience with similar tests. Laboratories performing bioassay tests for dispersant or surface collecting agent toxicity must demonstrate previous biossay experience in order for their results to be accepted. EPA will not approve the selection of laboratories by intended submitters of technical product data prior to submission of the data. It is the responsibility of the submitter to select component analytical laboratories based on the guidelines contained herein.

2003.3–5.3 EPA reserves the right to refuse to accept a submission of technical product data because of lack of qualifications of analytical laboratory, significant variance between submitted data and any laboratory confirmation performed by EPA, or other circumstances that will result in inadequate or inaccurate environmental information on the dispersing agent.

2004 Surface collecting agent program for spills of oil and applicable hazardous substances.

2004.1–1 Authorization for use of surface collecting agents: Major, medium and minor discharges.

The OSC may authorize use of surface collecting agents on a case-by-case basis when their use will:

2004.1–1.1 Result in the least overall environmental damage or interference with designated water uses, and

2004.1–1.2 Provide a key element in the most effective system for removing oil or hazardous substances discharges from the water environment.

2004.1–2 Mechanism for authorizing use—The OSC may authorize the use of a surface collecting agent verbally when on scene or by telephone prior to arriving on scene. In all cases, the OSC is obligated to comply with the provisions of 2004.2 prior to making such authorization. A review of the capabilities and expertise of the owner or operator or cleanup contractor prior to the occurrence of the spill incident would be most beneficial in situations where telephone authorization is desired or contemplated.

2004.2 Restrictions on surface collecting agent use.

2004.2–1 The OSC may authorize the use of surface collecting agents only after being informed of the environmental conditions at the point of intended use. These environmental conditions include air and water temperatures, wind conditions, wave and current conditions, presence and relative density of debris and other floating matter on the water, type and condition of the oil or hazardous substance spilled, special biological factors such as waterfowl sanctuaries, wildlife refuges, spawning or nursery grounds, shellfish beds, swamp areas, etc., and the availability of removal equipment that could be employed to remove the collected material from the water. Information on environmental conditions should be evaluated by the OSC from the standpoint that conditions such as strong winds, choppy waters, low temperatures, debris, and aquatic vegetation can adversely affect the performance of collecting agents or complicate further removal operations. The performance can also vary with types of oils or hazardous substances. The agents can be effective with thin films of light oils but have little value with thick layers of heavy, viscous oils. The agents should not be used unless adequate removal equipment is available to remove the collected oil.

2004.2–2 A chemical agent shall not be used as a surface collecting agent unless the provisions of 2004.3 are complied with and EPA has informed the manufacturer's representative that the product is acceptable for use as a surface collecting agent.

2004.3 Technical product data for surface collecting agents.

2004.3–1 Technical product data as specified in 2004.3–4 shall be provided to the Oil and Special Materials Control Division (WH–448), EPA, Washington, D.C. 20460, at least 60 days prior to the use of the agent. The use of existing surface collecting agents may be authorized by the OSC without complying with 2004.3 for 120 days from the effective date of this Annex. Within 60 days of receipt of the data, EPA will inform, in writing, the submitter of the adequacy of the data submitted. If additional data are requested or EPA desires to perform additional tests, the surface collecting agent may not be used until these additional needs

have been satisfied and the submitter so notified.

2004.3–2 Information furnished in accordance with 2004.3–4 shall be maintained on file by the EPA, Oil and Special Materials Control Division, Washington, D.C. 20460, to provide technical guidance to OSC's on the acceptable circumstances of use, dosage rates and special problems in the use of surface collecting agent. Any changes in the composition or formulation of the surface collecting agent that will affect any of the data requested in 2004.3 shall be immediately brought to the attention of EPA and testing of the agent will be repeated prior to the use of the revised formulation of the surface collecting agent.

2004.3–3 EPA will review technical product data for surface collecting agents and will issue approvals for agents meeting certain criteria. At present, the only minimum criterion established is for solubility which is described in 2004.3–4.13. This criterion classifies the substance as a surface collecting agent but is not an indication of the effectiveness or toxicity of the material. Other product data such as toxicity, chemical components, and physical characteristics will be reviewed and, if the combined effects of this data and other factors will result in excessive hazard to the aquatic life, work safety, or other elements of the environment in the judgment of EPA, EPA may refuse to approve the use of the agent.

EPA may, from time to time, establish minimum criteria for the data being requested and may also require additional data to assist in arriving at a judgment on the environmental acceptability of collecting agent usage.

To avoid possible misinterpretation and misrepresentation of the EPA's role in the surface collecting agent technical product data program, the manufacturer's representatives may use only the EPA letter advising compliance with 2004.3–4 in any advertisements or technical literature on the collecting agent. The EPA letter must be used in its entirety. Failure to comply with these restrictions or any other improper reference to EPA in attempting to demonstrate EPA approval of the surface collecting agent beyond that stated in the letter for use on spills of oil or hazardous substances shall constitute grounds for removing the technical product data from EPA files which would preclude use of the surface collecting agent.

2004.3–4 Required technical product data.

2004.3–4.1 Name, brand, or trademark, if any, under which the surface collecting agent is sold.

2004.3–4.2 Name, address and telephone number of the manufacturer, importer or vendor.

2004.3–4.3 Name, address and telephone number of primary distributers or sales outlets.

2004.3–4.4 Special handling and worker precautions for storage and field application. Maximum and minimum storage temperatures to include optimum ranges as well as temperatures that will cause phase separation, chemical changes, or otherwise damage effectiveness of the surface collecting agent.

2004.3–4.5 Shelf-life.

2004.3–4.6 Recommended application procedure(s), concentration(s) and conditions for use depending upon water salinity, water temperature and types and ages of the pollutants.

2004.3–4.7 Surface collecting agent toxicity. Use standard toxicity test methods described in EPA Report "Standard Dispersant Effectiveness and Toxicity Test" (EPA R2–73–201, May 1973) pages 22–34. This report may be obtained from the Division of Oil and Special Materials Control (WH–448), EPA, Washington, D.C. 20460.

2004.3–4.8 Flash point. Select appropriate method from the following:

ASTM D 56–70
ASTM D 92–72
ASTM D 93–72
ASTM D 1310–67

2004.3–4.9 Pour Point. Use ASTM D 97–66.

2004.3–4.10 Viscosity. Use ASTM D 445–72.

2004.3–4.11 Specific gravity. Use ASTM D 1298–67.

2004.3–4.12 pH. Use ASTM D 1293–65.

2004.3–4.13 Interim test to distinguish between surface collecting agents and other spill cleanup chemicals.

In order to distinguish between surface collecting agents and other chemical materials, this interim test procedure was developed. This test procedure is not an efficiency test. This test is to be used only to distinguish between surface collecting agents and dispersants.

Scope.—1. Procedure to be used to determine the solubility in water under standard conditions of oil spill control chemicals.

Method summary.—2. Five (5) milliliters of the chemical under test are intimately mixed with ninety-five (95) milliliters of distilled water, allowed to stand undisturbed for one hour, and then the volume of the upper phase is determined to the nearest 1 milliliter.

Apparatus.—3. (a) Mixing cylinder, 100 milliliter subdivisions and fitted with glass stoppers.

(b) Pipettes: Volumetric pipette, 5.0 milliliter.

(c) Timers.

Procedure.—4. Add 95 milliliters of distilled water at 72 F±5 F to a 100 milliliter mixing cylinder. To the surface of the water in the mixing cylinder, add 5.0 milliliters of the chemical under test. Insert the stopper and invert the cylinder 5 times in 10 seconds. Set upright for one (1) hour at 72 F±5 F and then measure the chemical layer at the surface of the water. The major portions of the chemical added (75% +) should be at the water surface as a separate and easily distinguished layer.

2004.3–4.14 Surface collecting agent components. Itemize by chemical name and percentage by weight of each component of the total formulation. The percentages will include maximum, minimum and average weights in order to reflect quality control variations in manufacture or formulations. As least the following major components shall be identified:

(a) Surface active agents.
(b) Solvents.
(c) Additives.

If requested by the submitter, information for 2004.3–4.14 will be handled as trade secrets under provisions of Pub. L. 90–23, the Administrative Procedures Act.

2004.3–4.15 Heavy metals and chlorinated hydrocarbons.

Using reliable analytical chemistry techniques, state the concentrations or upper limits of the following materials:

Arsenic, cadmium, chronimum, copper, lead, mercury, nickel, zinc, plus any other metals that may be in the sample. Atomic absorption methods should be used and the detailed analytical methods and sample preparation shall be fully described;

Cyanide using standard colorimetric procedures;

Chlorinated hydrocarbons. Gas chromatography should be used and the detailed analytical methods and sample preparation shall fe fully described.

2004.3–5 Analytical laboratory requirements for technical product data: Follow stipulations in 2003.3–5.

2005 Biological additive program for spills of oil and applicable hazardous substances.

2005.1 Authorization for use of biological agents.

2005.1–1 All Discharges. The OSC may authorize the use of biological additives on water or shorelines only after obtaining the approval of the EPA representative to the RRT. The EPA RRT representative is required to consult with the EPA representative to the NRT on the environmental priorities of the subject incident. The manufacturer or supplier of microbiological cultures or enzymes must obtain approval from State and local public health and pollution control officials and furnish evidence of such approval to the EPA RRT representative.

2005.2 Special restrictions on biological additive use.

2005.2–1 Microbiological cultures and enzyme mixtures shall not be considered for use as biological additives unless technical product data has been provided and accepted in accordance with 2005.3.

2005.2–2 The OSC must be supplied with the chemical composition and ratios of primary nutrients for nutrient additives prior to seeking approval for their use.

2005.3 Technical product data for biological additives.

2005.3–1 Technical product data as outlined in 2005.3–4 on the constituents of a biological additive shall be submitted to the Division of Oil and Special Materials Control (WH–448), Environmental Protection Agency, Washington, D.C. 20460, at least 60 days prior to the use of the additive. Within 60 days of receipt of the data, EPA will inform in writing the submitter on the adequacy of the data provided.

If additional information is requested or EPA desires to perform tests, the biological additive may not be used until the additional needs have been satisfied and the submitter so notified.

2005.3–2 Information furnished in accordance with 2003.3–4 shall be maintained on file by EPA to provide technical guidance to OSC's on the acceptable circumstances of use and application rates for biological additives. Any changes in the composition of the biological additive that will affect any of the data being requested in 2005.3–4 shall be immediately brought to the attention of EPA and testing of the additive will be repeated prior to the use of the revised biological additive.

2005.3–3 The acceptance and maintenance of product data by EPA does not constitute approval of the biological additive nor does it imply compliance with any EPA criteria or minimum standards for such additives. The OSC will determine which biological additive may be used for a spill event on a case-by-case basis using all available information in making such a decision. To avoid possible misinterpretation and misrepresentation of EPA's role in this technical product data program, the manufacturer's representatives may use only the EPA letter advising compliance with 2005.3–4 in any advertisements or technical literature on the biological additive. The EPA letter must be used in its entirety. Failure to comply with these restrictions or any other improper reference to EPA in attempting to demonstrate EPA approval of the biological additive for use on spills of oil or hazardous substances shall constitute grounds for removing the technical product data from EPA files which would preclude use of the biological additive.

2005.3–4 Required technical product data.

2005.3–4.1 Name, brand, or trademark, if any, under which the biological additive is sold.

2005.3–4.2 Name, address and telephone number of the manufacturer, importer or vendor.

2005.3–4.3 Name, address and telephone number of primary distributers or sales outlets.

2005.3–4.4 Special handling and worker precautions for storage and field application.

Maximum and minimum storage temperatures.

2005.3–4.5 Shelf life.

2005.3–4.6 Recommended application procedure(s), concentration(s) and conditions for use depending upon water salinity, water temperature and types and ages of the pollutants.

2005.3–4.7 Statements on the expected effectiveness of the agent including degradation rates and the test conditions and data on effectiveness.

2005.3–4.8 For microbiological cultures furnish the following information:

Listing of all microorganisms to species.[1]

Percentage of each species in the composition of the additive.[1]

Optimum pH and temperature range for use of the additive.

Special nutrient requirements, if any.

Separate listing of the following and test methods for such determinations:

Salmonella, fecal coliform, shigella, staphylococcus coagulase positive, and beta hemolytic streptococci.

2005.3–4.9 For enzyme additives furnish the following information:

Enzyme name(s).

International Union of Biochemistry (I.U.B.) number(s).

Source of the enzyme.

Units.

Specific activity.

Optimum pH and temperature range for the use of the agent.

2005.3–5 Laboratory requirements for technical product data: Follow stipulations in 2003.3–5.

2006 Burning agent program for spills of oil and applicable hazardous substances.

2006.1 Authorization for use of burning agents.

2006.1–1 All discharges. The OSC may authorize the use of burning agents only when their use: 2006.1–1.1 will prevent or substantially reduce imminent threats to human life or limb or property;

2006.1–1.2 will result in the least environmental harm when compared to other removal or disposal methods.

2006.1–1.3 Prior to authorizing use under 2006.1–2, the OSC must obtain the approval of the EPA RRT representative and all applicable State and local public health and pollution control officials.

2006.2 Special restrictions on burning agent use.

2006.2–1 The OSC will evaluate the suitability of burning agents on a case-by-case basis. Burning agents should be inert materials that will not, in themselves, be a water pollutant. The addition of oils (such as gasoline or solvents) as an igniter shall be avoided unless it is necessary under 2006.1–1.

2006.2–2 A technical data program for burning agents will not be established at this time.

2007 Sinking agent program for spills of oil and applicable hazardous substances.

2007.1 Authorization for use of sinking agents.

2007.1–1 All discharges. Sinking agents shall not be applied to discharges of oil or hazardous substances on the navigable waters of the United States and the contiguous zone.

2008 Mechanical methods and sorbents program for spills of oil and hazardous substances.

2008.1 Authorization for use of mechanical methods and sorbents.

2008.1–1 All discharges.

2008.1–1.1 As stated in 2001.3, it is the policy of this schedule to advocate the use of mechanical methods and sorbents for removal of oil and hazardous substances spills. The OSC has the authority to use or prohibit specific mechanical methods and sorbents on a case-by-case basis. The OSC will select methods and materials that in his judgment, will be most effective in expeditiously removing the spilled material and mitigating the related damages, and will minimize secondary pollution from the removal or mitigation operation. Prior to authorizing the use of sorbents, the OSC shall take into consideration hydrographic and meteorological conditions as well as the characteristics of the sorbent and the availability of adequate containment and removal equipment.

2008.1–1.2 A technical data program for mechanical methods and sorbents will not be established at this time.

ANNEX XI—2100 NON-FEDERAL INTERESTS

2101 General policy.

2101.1 The policy of the Federal government is to initiate discharge removal operations when required and action is not being taken by the discharger or other private or public organization.

2110 Planning and preparedness.

2110.1 The planning and preparedness functions incorporated in regional contingency plans also apply to non-Federal resources. The State and local governments and private interests are to be encouraged to participate in Regional planning and preparedness functions.

2110.2 State and local government agencies are encouraged to include contingency planning for discharge removal in existing and future emergency and disaster planning activities. States are invited to provide observers to the planning activities of the appropriate RRT. (§1510.34(c) of the Plan)

2120 Pollution emergency response operations.

2120.1 State agencies may be reimbursed from the fund established by section 311(k) of the Act for reasonable costs incurred in the removal of oil and hazardous substances discharges from the waters and shorelines of the United States. The procedures to be followed are detailed in section 1905, Annex IX of this part.

2120.2 Regional Contingency Plans should provide for coordination with local government organizations such as as county and city or town governments. This is especially important for purposes of traffic control, land access and disposal of pollutants removed in response operations.

2130 Volunteers.

2130.1 In many pollution emergency situations in the coastal areas, volunteers desiring to assist in mitigating the effects of the pollution discharge response effort present themselves at the scene. Regional contingency plans should provide for this possibility and through the direct participation of State observers in plan development, should establish procedures that will result in organized and worthwhile employment of these persons.

2130.2 Regional plans should provide for the organization and directing of volunteers by USCG, other Federal, local or State officials knowledgeable in contingency operations and capable of providing mature, responsive and practical leadership.

2130.3 Regional plans should also provide specific areas in which volunteers should be used such as: Beach surveillance, logistical support, bird and other wildlife treatment and scientific investigations. Normally they should not be used for physical removal of pollutants. Specifically, if a substance is toxic to humans, volunteers should not be permitted at on-scene operations.

2130.4 Information for and education of volunteer personnel on general contingency operations and procedures as well as specific details of the discharge is mandatory if response efforts are to be effective and conclusive. Regional plans should provide for this volunteer education and training program for rapid, on-site use.

2130.5 During contingency plan operations, information on the discharge and removal efforts should be provided to volunteers frequently to insure coordinated effort and a sense of meaningful participation.

ANNEX XV—2500 TECHNICAL INFORMATION

2501 Technical library.

2501.1 A technical library of pertinent pollution control technical documents will be maintained in the NRC and in each RRC. Such information should be useful as reference information to the experienced OSC and instructional to less experienced personnel.

2502 Specific references.

2502.1 As a minimum, the following reference documents will be maintained in the NRC and in each RRC technical library.

2502.1–1 Current National Oil and Hazardous Substances Pollution Contingency Plan.

2502.1–2 Current Regional and State Oil and Hazardous Substances Pollution Contingency Plan.

2502.1–3 Current Directory of the American Council of Independent Laboratories.

2502.1–4 Encyclopedia of Chemical Technology, 22 Vols., Kirkothmer, 2nd edition c1963–1971, John Wiley & Sons, New York, New York.

2502.1–5 Chemical Data Guide for Bulk Shipment by Water (U.S. Coast Guard CG–388).

2502.1–6 U.S. Corps of Engineers' Regulations ER 500–1–1 and ER 500–1–8 Emergency Employment of Army Resources (Natural Disaster Activities).

2502.1–7 Federal Disaster Assistance Program—Handbook for Applicants FDAA 3300.1, July 1973.

2502.1–8 Federal Disaster Assistance Program—Eligibility Handbook 3300.2, July 1973.

2502.1–9 Federal Disaster Assistance Program—Handbook for State and Federal Officials 3000.4, December 1973.

2502.1–10 Handbook of Toxicology (National Academy of Sciences/National Research Council).

2502.1–11 46 CFR–146. Transportation or Storage of Explosives or other Dangerous Articles or Substances, and Combustible Liquids on Board Vessels.

2502.1–12 33 CFR, 3, 6, 121, 122, 124–6. Security of Vessels and Waterfront Facilities (USCG CG 239).

2502.1–13 33 and 40 CFR parts implementing section 311 of the Federal Water Pollution Control Act, as amended.

2502.2 In addition to the library specified above, the RRC should have provision, either in publications or by computer terminal, for access to the EPA Technical Assistance Data System (TADS) and the USCG Chemical Hazard Response Information System (CHRIS).

2503 Definitions of terms.

2503.1 *API Gravity.* An empirical scale for measuring the density of liquid petroleum products, the unit being called the "degree API".

2503.2 *Ash.* Inorganic residue remaining after ignition of combustible substances determined by definite prescribed methods.

2503.3 *Asphalts.* Black, solid or semisolid bitumens which occur in nature or are ob-

[1] If requested by the submitter, these items will be handled as trade secrets under provisions of Pub. L. 90–23, the Administrative Procedure Act.

tained as residues during petroleum refining.

2503.4 *Bilge Oil.* Waste oil which accumulates, usually in small quantities, in the lower spaces in a ship, just inside the shell plating. Usually mixed with larger quantities of water.

2503.5 *Blowout.* A sudden violent escape of gas and oil from an oil well when high pressure gas is encountered and preventive measures have failed.

2503.6 *Boiling Point.* The temperature at which the vapor pressure of a liquid is equal to the pressure of the atmosphere.

2503.7 *Bunker "C" Oil.* A general term used to indicate a heavy viscous fuel oil.

2503.8 *Bunker Fuel.* A general term for heavy oils used as fuel on ships and in industry. It often refers to No. 5 and 6 fuel oils.

2503.9 *Bunkering.* The process of fueling a ship.

2503.10 *Coker Feed (or fuel).* A special fuel oil used in a coker furnace, one of the operating elements of a refinery.

2503.11 *Conversion tables.*

Knowing	Gallon U.S.	Multiply by factor below to obtain			
		Barrel U.S.	Gallon Imperial	Cubic feet	Litre
Gallon (U.S.)	1.000	0.023810	0.83268	0.13368	3.7853
Barrel	*42.0	1.0000	34.9726	5.6145	158.984
Gallon (Imp.)	1.2009	0.02859	1.000	0.1605	4.546
Cubic Feet	7.4805	0.1781	6.2288	1.000	28.316
Litres	0.2641	0.00629	0.2199	0.03532	1.000

	Pound	Ton (short)	Ton (long)	Ton (metric)
Pounds	1.00	0.00050	0.000446	0.0045359
Ton (Short)	*2000.0	1.0000	0.89286	0.90718
Ton (Long)	*2240.0	1.120	1.0000	1.0160
Ton (Metric)	2204.6	1.1023	0.98421	1.000

One Hectolitre equals 100 Litre.
One Ton (Metric) equals 1000 Kilograms.
Conversions marked (*) are exact by definition.

2503.12 *Approximate conversions.*

Material	*Barrels Per Ton (Long)*
crude oils	6.7–8.1
aviation gasolines	8.3–9.2
motor gasolines	8.2–9.1
kerosenes	7.7–8.3
gas oils	7.2–7.9
diesel oils	7.0–7.9
lubricating oils	6.8–7.6
fuel oils	6.6–7.0
asphaltic bitumens	5.9–6.5

(As a general rule-of-thumb use 6.5 barrels or 250 gallons per ton of oil.)

2503.13 *Crude oil.* Petroleum as it is extracted from the earth. There may be several thousands of different substances in crude oil, some of which evaporate quickly while others persist indefinitely. The physical characteristics of crude oils may vary widely. Crude oils are often identified in trade jargon by their regions of origin. This identification may not relate to the apparent physical characteristics of the oil. Commercial gasoline, kerosene, heating oils, diesel oils, lubricating oils, waxes, and asphalts are all obtained by refining crude oil.

2503.14 *Demulsibility.* The resistance of an oil to emulsification, or the ability of an oil to separate from any water with which it is mixed. The better the demulsibility rating, the more quickly the oil separates from water.

2503.15 *Density.* Density is the term meaning the mass of a unit volume. Its numerical expression varies with the units selected.

2503.16 *Emulsion.* A mechanical mixture of two liquids which do not naturally mix as oil and water. Water-in-oil emulsions have the water as the internal phase and oil as the external. Oil-in-water emulsions have water as the external phase and the internal phase is oil.

2503.17 *Fire Point.* The lowest temperature at which an oil vaporizes rapidly enough to burn for at least 5 seconds after ignition, under standard conditions.

2503.18 *Flash Point.* The lowest temperature at which an oil gives off sufficient vapor to form a mixture which will ignite, under standard conditions.

2503.19 *Fraction.* Refinery term for a product of fractional distillation having a restricted boiling range.

2503.20 *Fuel oil grade.* Numerical ratings ranging from 1 to 6. The lower the grade number, the thinner the oil is and the more easily it evaporates. A high number indicates a relatively thick, heavy oil. No. 1 and No. 2 fuel oils are usually used in domestic heaters, and the others are used by industry and ships. No. 5 and 6 oils are solids which must be liquified by heating. Kerosene, coal oil, and range oil are all No. 1 oil. No. 3 fuel oil is no longer used as a standard term.

2503.21 *Innage.* Space occupied in a product container.

2503.22 *In personem.* An action *in personem* is instituted against an individual, usually through the personal service of process, and may result in the imposition of a liability directly upon the person of a defendant.

2503.23 *In rem.* An action *in rem* is one in which the vessel or thing itself is treated as offender and made defendant without any proceeding against the owners or even mentioning their names. The decree in an action *in rem* is enforced directly against the *res* by a condemnation and sale thereof.

2503.24 *Load on top.* A procedure for ballasting and cleaning unloaded tankers without discharging oil. Half of the tanks are first filled with seawater while the others are cleaned by hosing. Then oil from the cleaned tanks, along with oil which has separated out in the full tanks, is pumped into a single slop tank. The clean water in the full tanks is then discharged while the freshly-cleaned tanks are filled with seawater. Ballast is thus constantly maintained.

2503.25 *Oil films.* A slick thinner than .0001 inch and may be classified as follows:

Standard Term	Gallons of Oil Per Square Mile	Appearance
"barely visible"	25	barely visible under most favorable light conditions
"silvery"	50	visible as a silvery sheen on surface water
"slightly colored"	100	first trace of color may be observed
"brightly colored"	200	bright bands of color are visible
"dull"	666	colors begin to turn dull brown
"dark"	1332	Much darker brown

NOTE: Each one-inch thickness of oil equals 5.61 gallons per square yard or 17,378,709 gallons per square mile.

2503.26 *Outage.* Space left in a product container to allow for expansion during temperature changes it may undergo during shipment and use. Measurement of space not occupied.

2503.27 *pH.* Term used to express the apparent acidity or alkalinity of aqueous solutions; values below 7 indicate acid solutions and values above 7 indicate alkaline solutions.

2503.28 *Pour Point.* The lowest temperature at which an oil will flow or can be poured under specified conditions of test.

2503.29 *Residual oil.* A general term used to indicate a heavy viscous fuel oil.

2503.30 *Scuppers.* Openings around the deck of a vessel which allow water falling onto the deck to flow overboard. Should be plugged during fuel transfer.

2503.31 *Sludge oil.* Muddy impurities and acid which have settled from a mineral oil.

2503.32 *Specific gravity.* The ratio of the weight of a given volume of the material at a stated temperature to the weight of an equal volume of distilled water at a stated temperature.

2503.33 *Spontaneous ignition temperature (S.I.T.).* The temperature at which an oil ignites of its own accord in the presence of air oxygen under standard conditions.

2503.34 *Stoke.* The unit of kinematic viscosity.

2503.35 *Tonnage.* There are various tonnages applied to merchant ships. The one commonly implied is gross tonnage although in these days tankers and other bulk-carriers are often referred to in terms of deadweight.

2503.35–1 *Gross tonnage.* 100 cubic feet of permanently enclosed space is equal to one gross ton—nothing whatever to do with weight. This is usually the registered tonnage although it may vary somewhat according to the classifying authority or nationality.

2503.35–2 *Net tonnage.* The earning capacity of a ship. The gross tonnage after deduction of certain spaces, such as engine and boiler rooms, crew accommodation, stores, equipment, etc. Port and harbor dues are based on this tonnage.

2503.35–3 *Displacement tonnage.* The actual weight in tons, varying according to whether a vessel is in light or loaded condition. Warships are always spoken of by this form of measurement.

2503.35–4 *Deadweight tonnage.* The actual weight in tons of cargo, stores, etc., required to bring a vessel down to her load line, from the light condition. Cargo deadweight is, as its name implies, the actual weight in tons of the cargo when loaded, as distinct from stores, ballast, etc.

2503.36 *Ullage.* The amount by which a tank or vessel lacks being filled. (See also Outage)

2503.37 *Viscosity.* The property of liquids which causes them to resist instantaneous change of shape, or instantaneous rearrangement of their parts, due to internal friction. The resistance which the particles of a liquid offer to a force tending to move them in relation to each other. Viscosity of oils is usually expressed as the number of seconds at a definite temperature required for a standard quantity of oil to flow through a standard apparatus.

2503.38 *Viscous.* Thick, resistant to flow, having a high viscosity.

2503.39 *Volatile.* Evaporates easily.

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